



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Vol. 1
RAI.
5/2:
43/
1911

A COMPILATION OF LAWS

AFFECTING THE

REGULATION OF PUBLIC
UTILITIES

(INCLUDING WATER POWERS)

1907-1911

PUBLISHED BY THE
RAILROAD COMMISSION OF WISCONSIN

August, 1911:



MADISON, WIS.

DEMOCRAT PRINTING COMPANY, STATE PRINTER

1911



A COMPILATION OF LAWS

AFFECTING THE

REGULATION OF PUBLIC UTILITIES

(INCLUDING WATER POWERS)

1907-1911

PUBLISHED BY THE
RAILROAD COMMISSION OF WISCONSIN

August, 1911.



MADISON, WIS.
DEMOCRAT PRINTING Co., STATE PRINTER
1911

CONTENTS.

CHAPTER	PAGE
367—09 Financial management of municipal water and lighting works	3
287—09 Construction of water mains by municipal plants....	3
204—07 Motive power and machinery for water works and electric lighting plants in cities of the fourth class....	4
485—09 Water works and electric lighting plants in cities of the fourth class.....	4
665—07 Mortgage certificates by municipalities for the purchase or construction of public utilities.....	4- 7
75—11 Municipal bond issues for electric plants legalized....	7- 8
145—07 Bonds for purchase of utilities by cities of the fourth class legalized	8
281—07 Power plants operated by towns.....	8- 9
69—09 Ineligibility for municipal offices of persons interested in contract for furnishing public utilities.....	9
313—07 Placing telegraph, telephone and electric wire poles in public highways	9
652—11 Water power law.....	10-39
591—11 Dam franchises	39
548—11 Hours of labor of women.....	39-40
593—11 Stock and bond law.....	40-51
319—01 Rights and liabilities of public utilities on highways..	51-52
662—07 Condemnation of lands by telegraph, telephone, power, heat and light companies.....	52-54
291—07 Electric wires over railroad tracks.....	54-55
499—07 Public Utilities Law.....	55-92

LAWS AFFECTING THE REGULATION OF PUBLIC UTILITIES, INCLUDING WATER POWERS.*

Cities, under general law; water works; rates; collection; indebtedness. SECTION 925—98. When cities own the water works or lighting works the water rates or charges for lighting shall be collected by the treasurer and be first devoted to the expense of maintaining and operating the works, paying the principal and interest of any indebtedness created in the construction or purchase thereof, and the balance, if any, shall be paid into the general fund. The common council of every city which shall construct or own and operate lighting works or water works to supply the city and its inhabitants with light or water may, by ordinance, fix the rates to be charged for light or water furnished the inhabitants thereof, and provide for the collection of the same either quarterly or semi-annually in advance or otherwise provided, such rates, shall be uniform for like services in all parts of the city. The provisions of the next following section shall apply to the listing and collection of unpaid rates or charges for light or water so furnished, so far as they are applicable.

Ch. 367, 1909.

Water mains, when owned by city; expenses. SECTION 925—106. The preceding provisions relating to the construction of water mains in whole or in part at the expense of abutting owners shall not apply except in cases where the city owns the works, and in cases where the water works are now owned or may hereafter be purchased by the city the extensions of mains after such purchase shall be made at the expense of the city at large or at the expense of abutting property as the council shall determine.

Ch. 287, 1909.

* Amendments of 1911 shown in italics.

Cities 4th class; motive power and machinery. SECTION 926—126. Every city of the fourth class in the state of Wisconsin, whether operating under a general or special charter, is hereby authorized and empowered to purchase, lease or construct motive power and machinery for the purpose of maintaining and operating for public use, lighting plant and water works, and for such purpose may lease, purchase and hold the necessary real and personal property.

Ch. 204, 1907.

Cities 4th class; powers relating to water works, lighting plants. SECTION 926—127. The authority and power granted in section 925—126 shall be exercised only in accordance with the provisions of section 927—11 to 927—19, inclusive, of the statutes, unless such city shall have adopted section 925—133 of the statutes.

Ch. 485, 1909.

Municipal ownership of utilities; ordinance; publication. SECTION 927—11. Any plant or equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power may be constructed or acquired by any town, village or city as herein provided. Before any town, village or city shall construct or acquire any such plant or equipment or any part thereof, under this section, the common council, board of aldermen, the board of trustees, the town or village board or the governing body of such town, village or city shall authorize such acquisition or construction by a resolution or ordinance adopted at a regular meeting by a vote of at least a majority of the members elect. At least one week prior to such meeting the proposed resolution or ordinance shall be published in the official paper of the town, village or city or if no paper be published therein, such proposed resolution or ordinance shall be posted in four of the most public places in such town, city or village at least ten days prior to such meeting.

Ch. 665, 1907.

Ordinance; provisions. SECTION 927—12. Such resolution or ordinance shall prescribe the parts of the expense of such acquisition or construction to be paid out of the general fund of the city, or from the proceeds or bonds issued pursuant to law or from the proceeds of mortgage certificates issued as in this act provided.

Ch. 665, 1907.

Special election. SECTION 927—13. Such resolution or ordinance shall also direct the town, village or city clerk to call a special election for the purpose of submitting to the electors thereof the question of the acquisition or construction of such plant or equipment or part thereof in the manner provided in such resolution and to be paid for in the manner therein provided.

Ch. 665, 1907.

Notice of election; items. SECTION 927—14. The notice of such election shall state: (1) The purpose thereof; (2) the plant, equipment or part thereof it is proposed to acquire or construct; (3) the proposed manner of payment for the same; (4) the time and place of holding the election and the hours at which the polls will be opened and closed. Such notice shall be signed by the town, village or city clerk, and be published in one or more newspapers in the town, village or city for three successive weeks prior to the election; if no newspapers be published therein, such notice shall be posted in four of the most public places in the town, village or city, at least twenty days prior to the election.

Ch. 665, 1907.

Canvass and return; ballot form. SECTION 927—15. Such election shall be held and conducted and the results canvassed and certified as provided in section 943 of the statutes. The question shall be printed upon any ballot issued at such election in substantially the following form:

“Shall (designate plant, equipment or part thereof) be acquired or constructed and mortgage certificates (and) (or) (bonds) be issued therefor?

YES ☐

NO ☐

Ch. 665, 1907.

Separate ballot; when unnecessary. SECTION 927—16 When any such special election is held at the same time as a regular or special town, village or city election, then such form of ballot, instead of being separate may be printed upon the official municipal or town ballot to be voted at such election.

Ch. 665, 1907.

Mortgage certificates; recital. SECTION 927—17. If the resolution or ordinance and the notice of election to the voters shall call for the issuing of mortgage certificates and if a major-

ity of the ballots cast shall be in favor of such proposition, the chairman and clerk of the town, the president and clerk of the village, or the mayor and clerk of the city, as the case may be, shall issue mortgage certificates for the purpose and to the amount stated, which certificates shall recite upon their face that the same are secured by a trust deed or mortgage upon the plant, equipment or part thereof so acquired or constructed and that no municipal liability is created thereby.

Ch. 665, 1907.

Certificates; interest, price, maturity. SECTION 927—18. Such mortgage certificates shall bear interest not to exceed six per cent. per annum, payable semi-annually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and in not more than twenty years from the date thereof.

Ch. 665, 1907.

Mortgage on plant; provisions; default; re-issue. SECTION 927—19. To secure the payment of the principal and interest of such mortgage certificates, the chairman and clerk of the town, the president and clerk of the village, or the mayor and clerk of the city, as the case may be, shall execute to the purchasers of such mortgage certificates, or to a trustee, selected by the town, village or city by resolution or ordinance, a trust deed, or mortgage, in such manner and form as may be by such resolution or ordinance prescribed, upon the plant, equipment or part thereof acquired or constructed, and upon all future additions and extensions thereto, which trust deed or mortgage shall among other things provide: (1) That the lien of such trust deed or mortgage upon the property therein mentioned, and upon the income from such plant, equipment or part thereof shall be the only security which the holder of such mortgage certificates shall have, and that by such trust deed or mortgage, and by such mortgage certificates, no municipal liability shall be created; (2) that the income derived from the operation of such plant, equipment or part thereof, over and above the actual and necessary running expenses and necessary repair shall be kept as a separate fund in the treasury of such town, village or city out of which fund the interest on such mortgage certificates shall be paid as in said mortgage certificates provided; (3) that out of the excess an amount not less than four per cent. of the face value of such mortgage certificates shall be annually set aside as a sinking fund, and invested as other sinking funds of such town, village or city are invested to meet the principal of such

mortgage certificates at maturity, and that the income excess of such running expenses and repairs, interest and sinking fund, may be used for the extension and improvement of such plant, equipment or part thereof, or otherwise as may be directed by ordinance or resolution; (4) that if any payment of interest due upon such certificates shall remain unpaid for a period of twelve months or if any part of such principal shall not be paid when due, the said mortgage or trust deed may be foreclosed as is provided by law for the foreclosure of other mortgages and trust deeds. Upon default in the payment of principal or interest, the holder or holders of such trust deed or mortgage, may, at his or their option, by a notice in writing served after such default, declare the whole amount secured by such trust deed or mortgage due and payable six months after the service of such notice, after which time such whole amount shall be so due and payable.

Any such town, village or city may issue new mortgage certificates in the manner hereinbefore provided secured in the same manner, to provide funds for the payment of the principal and interest upon any such mortgage certificates so defaulted, provided, that upon any reissue of such mortgage certificates the question shall not be required to be submitted to the electors whenever such reissue shall be approved by a vote of not less than two-thirds of the town board, village board or common council as the case may be.

Upon any such re-issue which shall not be submitted to a vote of the electors, the rate of interest and times of payment shall be fixed within the limits specified in section 927—18.

Ch. 665, 1907.

Municipal bond issues for electric plants legalized. SECTION 927—19a. Whenever any bonds heretofore or hereafter issued and sold by any city, whether incorporated under general law or special act, for the construction or purchase or the erection and maintenance of an electric lighting plant, and the proceeds of which shall have been expended in whole or in part by such city in or about the construction or purchase of such plant, or of a site therefor, shall be invalid for any reason, and such city shall, by further proceedings subsequent to such issue, sale, and expenditure, have determined in the manner provided by law to issue bonds for the construction or purchase of an electric lighting plant, or for the construction of a plant for the production, transmission, delivery, and furnishing of electric light for lighting streets, public grounds, and public buildings in the said city, and for the production, transmission, delivery, and furnishing power for municipal purposes, said invalid bonds

theretofore issued and sold shall, if ratified by a majority vote of the members elect of the common council of such city, be legal and binding; and such city is authorized and empowered, after such ratification, to use any property acquired with the proceeds of such bonds and any unexpended portion of such proceeds in and about the construction or purchase of an electric lighting plant for which such city shall have legally determined to issue bonds as aforesaid; provided that such invalid bonds, upon being so ratified, shall not be considered an addition to the bonds legally authorized, but as a part thereof.

Ch. 75, 1911.

Cities, 4th class: franchise; curative provisions. SECTION 943t. If any incorporated village (subsequently incorporated as a city of the fourth class) have granted any franchise to construct and operate any water works, electric lighting, gas or street railway system and reserved therein to itself the option to purchase the same; and such city have exercised such option and proceeded to issue bonds for such purpose upon a two-thirds vote of the electors in favor of such bond issue; and no action or proceeding to contest the validity of anything so done by such city in that behalf having been commenced; any such purchase and any such bonds are legal and valid, notwithstanding any failure on the part of such city to comply with any statutory requirement at the time existing.

Ch. 145, 1907.

Division of town not to transmit power plants. SECTION 959—70m. In case of any town, operating under the provisions of subdivision 13 of section 776, of the statutes, which has constructed and is operating within any such village an electric lighting and water plant, or either, for public use of such village and which has for such purpose of operating such lighting or water plant for such use, built and constructed in such town beyond the limits of any such village a dam, power-house or other structures for the creation and transmission of power necessary for their operation and used within any such village for the purpose aforesaid, whenever in any such case, a division is made of the territory of any such town by the creation of new towns or otherwise, any such dam, power-house or other structure and any line or lines of transmission used in connection therewith shall, upon any such division of territory being made be and remain the property of the town containing such village where such lights or water are furnished and used for public purposes as aforesaid and the right of such town containing

such village to continue to maintain and operate any such dam, power-house or other structure or any line or lines of transmission connected therewith shall not be in any manner affected by any such division of territory.

Ch. 281, 1907.

City officers; interested in public service contracts ineligible.

SECTION 976s. No person shall be eligible to any city office who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power or other public service to or for such city or who is a stockholder in any corporation which has any such contract.

Ch. 69, 1909.

Wires on highways. SECTION 1329a. 1. Any person, firm or corporation may, with the written consent of the supervisors of the town, construct and operate a line of telegraph, telephone or electric wires for the purpose of transmitting light or power along or within the limits of any highway, subject to the restrictions and conditions herein contained.

Poles. 2. All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public nor with the use of the adjoining land by the owner thereof; and all wires strung upon such poles shall not be less than twenty-four feet above the ground at all crossings and not less than fourteen feet above the ground at all other places.

Trees. 3. But no tree shall be cut, trimmed or the branches thereof cut or broken in the construction or maintenance of any such line without the consent of the owner of the tree.

Penalty. 4. Any person, firm or corporation erecting any telephone, telegraph, electric light or other pole or stringing any telephone, telegraph, electric light or other wire in violation of the provisions of this act shall forfeit a sum not less than ten nor more than fifty dollars to be recovered in an action in the name of the state.

Ch. 313, 1907.

* * *

WATER POWER LAW.

• Sections 1596 to 1596—76.

Navigable waters; bridges; rights of United States. SECTION 1596. 1. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the government of the United States *and all rivers and streams, meandered or non-meandered, which are navigable in fact for any purpose whatsoever* are hereby declared navigable * * * to the extent that no dam, bridge, or other obstruction shall be made in or over the same without the permission of the legislature; but this section shall not be construed to impair the powers granted by law to towns, counties, or cities to construct bridges over such rivers and streams. The consent of this state is hereby given to the acquisition by the United States of all lands and appurtenances in this state which have been or may be acquired by the United States for the purpose of erecting thereon dams, abutments, locks, lockkeepers' dwellings, chutes, or other structures necessary or desirable in improving the navigation of the rivers or other waters within and on the borders of this state, and the United States may hold, use, and occupy such lands and other property and exercise exclusive jurisdiction and control over the same subject to the right of this state to have civil and criminal process issued out of any of its courts executed within and upon said lands.

Dams, etc., constructed or maintained contrary to section, public nuisances. 2. *Any dam, bridge or other obstruction constructed or maintained in or over any navigable waters of this state in violation of the provisions of this section is hereby declared to be a public nuisance, and the construction of any such dam, bridge or other obstruction may be enjoined or its maintenance abated by action at the suit of the state or any citizen thereof.*

Penalty. 3. *Any person, firm, association of individuals, or corporation, violating any of the provisions of this section shall forfeit for each such offense, and for each day that any such dam, bridge, or other obstruction is maintained or remains in or over, any such waters the sum of fifty dollars, the same to be collected in an appropriate action to be brought and prosecuted by the attorney general or by some other duly authorized person in behalf of the state.*

Railroad commission to report violations of laws to governor.

4. It shall be the duty of the railroad commission to report to the governor any violation of this section, and the governor shall thereupon cause the attorney general, or some other person duly authorized by the governor to act in his stead, to institute proceedings against the violator as provided in subsections 2 and 3 of this section.

Ch. 652, 1911.

Franchise to be obtained from state. SECTION 1596a. 1.

No person, firm, association of individuals, corporation or municipality shall conduct or maintain or operate or use any dam or other improvements in or across any meandered or non-meandered stream in this state, navigable in fact for any purpose whatsoever, without having, holding, or obtaining a franchise from the state authorizing the construction or maintenance and operation or use of such dam or improvements.

Dams, etc., constructed or maintained contrary to section, public nuisances. 2. Any dam or improvements constructed or maintained in or across any such stream in violation of the provisions of this section is hereby declared to be a public nuisance, and the construction of any such dam or improvements may be enjoined or its maintenance abated at the suit of the state or any citizen thereof.

Ch. 652, 1911.

Use of navigable waters for power a public use. SECTION 1596—1. The use of navigable waters for power developed under a franchise granted under the provisions of this act is hereby declared to be a public use.

Ch. 652, 1911.

Power subject to state control. SECTION 1596—2. All energy, developed or undeveloped, of the navigable waters of this state is subject to the control of the state for the public good.

Ch. 652, 1911.

Power held by state in trust for all the people. SECTION 1596—3. The beneficial use and natural energy of the navigable waters of this state for all public uses are held by the state in trust for all of the people.

Ch. 652, 1911.

Control retained by state. SECTION 1596—4. The state expressly reserves the right to manage, regulate and control, from

time to time as provided in this act, the use and distribution of the power created, generated, or developed under a franchise granted under the provisions of this act, and to regulate, manage and control the level and flow of water in all navigable waters of this state.

Ch. 652, 1911.

Definitions: railroad commission. SECTION 1596—5. 1. The term "railroad commission" as used in this act shall mean the railroad commission of Wisconsin.

Navigable waters. 2. The term "navigable waters" as used in this act shall mean all streams, rivers, lakes, and connecting waters in the state of Wisconsin, meandered or non-meandered, which are navigable in fact for any purpose whatsoever.

Franchise. 3. The term "franchise" as used in this act shall mean a grant of authority by the legislature, under the provisions of this act, to any person, firm, corporation or municipality to improve the navigation of navigable waters, including the right to construct and maintain any dam and improvements therein for said purpose, or for said purpose and for other lawful purposes, and the right to utilize under the provisions of this act any hydraulic power created and developed by virtue of said improvement.

Applicant. 4. The term "applicant" as used in this act shall mean any person, firm, corporation, or municipality applying to the railroad commission for a franchise to be granted as provided in this act.

Appropriator. 5. The term "appropriator" as used in this act shall mean any person, firm, corporation, or municipality, their heirs, executors, administrators, successors, assigns, trustees, or receivers appointed by any court whatsoever, who have, hold, take or accept any franchise granted under the provisions of this act.

Improvements. 6. The term "improvements" as used in this act shall include any dam or dams constructed and maintained in navigable waters under a franchise granted pursuant to the provisions of this act for the improvement of navigation, together with all weirs, tunnels, races, flumes, sluices, pits, locks, chutes, boat hoists, marine railways, fishways, and other structures, machines, and devices necessary or essential for the development of hydraulic power and for the generation of mechanical

energy or electrical energy, or both, constructed within or made a part of such dam or dams, and such machines, connections, regulation and transmission devices as may be found by the railroad commission to be necessary for the utilization of energy in connection with the proposed improvement; and all reservoir, flowage, and other rights and easements and all lands necessary and used under such franchise for the maintenance of such dam or dams and the structures and devices above enumerated.

Municipality. 7. The term "municipality" as used in this act shall mean any town, village, city, or county within this state.
Ch. 652, 1911.

Franchise: purposes; rights. SECTION 1596—6. Every franchise granted under the provisions of this act shall be granted for the purpose of improving the navigation of navigable waters, and shall include the right to construct and maintain any dam or improvements therein for said purpose, or for said purpose and for other lawful purposes, and shall include the right to utilize under the terms, conditions and provisions of this act any hydraulic power created and developed by virtue of said improvement, and every such franchise shall contain and embrace all the terms, conditions and provisions of this act and all findings, orders, stipulations and rulings of the railroad commission made pursuant to the provisions of this act.

Ch. 652, 1911.

Use of power authorized. SECTION 1596—7. Any appropriator is hereby authorized and empowered, subject to the terms, conditions and provisions of this act, to utilize for any lawful purpose any hydraulic power created or developed by virtue of any improvement authorized by any franchise.

Ch. 652, 1911.

Application for franchise. SECTION 1596—8. Any person, firm, corporation organized under the laws of this state or any municipality desiring to secure a franchise under this act shall file with the railroad commission a verified application which shall set forth and include the following:

- (1) The name and location of the waters sought to be improved.
- (2) The extent to which the navigation of such waters will be improved by the proposed improvement.
- (3) The nature, the scope, and the manner of making said proposed improvement.

(4) A description, by metes and bounds, of the land upon which it is proposed to construct and maintain any dam or other improvements necessary for making the proposed improvement, and the value of such lands.

(5) A general description of any dam proposed to be constructed including the height thereof as measured from mean low water level, and the average head of water proposed to be maintained thereby, and a general statement as to the material to be used in the construction of any such dam and other improvements.

(6) If hydraulic power will be developed in connection with such improvement, the approximate amount of such development, and the use or uses to which it is proposed to put said power.

(7) The location of the nearest existing dam or dams in the waters proposed to be improved, and whether the same will be affected by the construction and maintenance of any dam or dams proposed to be constructed and maintained.

(8) A general map and profile on the scale of not less than one inch per thousand feet, showing the lands and the names of the owner or owners and the value thereof, that may be affected by the construction and maintenance of any dam in connection with the proposed improvement, or by any flowage that may be caused thereby, and approximately the outline of such flowage.

(9) Such additional and other pertinent and relevant information as shall be prescribed by the railroad commission.

Ch. 652, 1911.

Investigation: notice; hearing. SECTION 1596—9. 1. Upon receiving such verified application, the railroad commission shall forthwith make such examination and investigation of the proposed improvement and the location thereof as shall be necessary, and shall then set a time and place for a hearing of such application, which time shall not be less than six weeks nor more than twelve weeks from the date of filing such application, and the place shall be at the city of Madison, or at some place in any county where such improvement or any part thereof is proposed to be made, if the railroad commission shall find the latter more convenient. The railroad commission shall thereupon give to the applicant a notice of the time and place of said hearing, which notice shall be published by the applicant at least once each week for six successive weeks preceding such hearing in one or more newspapers in each county in which such improvement or any part thereof is proposed to be made,

and satisfactory proof of such publication shall be filed by the applicant with said railroad commission.

2. If no newspaper shall be published in any county in which the improvement or any part thereof is proposed to be located, the publications required by this act may be made in such manner and at such places as the railroad commission shall designate.

Ch. 652, 1911.

Conduct of hearing. SECTION 1596—10. At such hearing, or any adjournment thereof the railroad commission shall carefully consider such application and shall hear such applicant in person or by counsel or agents in support thereof and any person, firm, corporation or municipality in person or by counsel or agents in opposition thereto, and upon demand of the applicant or any person, corporation or municipality appearing in opposition, take evidence and testimony orally or by deposition in support of the application or in opposition thereto and further shall take such testimony as is necessary to aid said railroad commission in finding the franchise value of a horse power, as defined in section 1596—36 of this act, and such testimony as is necessary to find the value, apart from and excluding any value due to any present or prospective franchise, of all lands taken, held, or acquired or to be taken, held, or acquired under the franchise and necessary in making or maintaining or to make and maintain the proposed improvement.

Ch. 652, 1911.

Witnesses; procedure. SECTION 1596—11. All provisions of sections 1797m—1 to 1797m—108, both inclusive, of the statutes, relating to the subpoenaing of witnesses, the production of books, documents, and papers, the administering of oaths, punishment for disobedience of an order of the commission or any commissioner, or of a subpoena, or for refusal of a witness to be sworn or to testify, witness fees, the payment thereof, taking depositions, the keeping of a record of the proceedings, the taking of testimony, transcribing copies of evidence and testimony, or relating to the procedure before said railroad commission not inconsistent with this act, shall apply to all proceedings hereunder.

Ch. 652, 1911.

Order granting franchise; franchise value. SECTION 1596—12. 1. Upon the conclusion of the hearing of said application as above provided, said railroad commission shall carefully consider all the evidence submitted thereat and the facts ascertained

by the examination and investigation provided for in section 1596—9 of this act, and if it shall appear that the proposed improvement will result in the improvement of navigation of the waters sought to be improved, that all dams and other improvements, as proposed to be constructed and maintained, will be adequate to promote, conserve, and protect all public rights in such waters and will not endanger the life, health, or property of the public, that the interests of the public will be better served by the construction, maintenance, and operation of such improvement than by any other, and, if it is proposed to develop hydraulic power in connection with such improvement, that the same will result in the efficient development thereof, the railroad commission shall so find, and the applicant is authorized to make such improvement, and a franchise therefor is hereby granted to such applicant. The railroad commission shall thereupon make and issue an order based upon and containing such findings and shall issue to such applicant a certificate evidencing the authority hereby conferred.

2. The railroad commission shall also, upon the conclusion of such hearing, from the testimony taken thereat and the facts ascertained by the examination and investigation of the proposed improvement, and in the manner provided in section 1596—36 of this act, find the franchise value of a horse power, and shall also find the value, apart from and excluding any value due to any present or prospective franchise, of all lands taken, held, or acquired, or to be taken, held, or acquired under the franchise and necessary in making or maintaining or to make and maintain the proposed improvement, and shall issue to such applicant an order containing such findings.

Ch. 652, 1911.

Order refusing franchise. SECTION 1596—13. If upon the conclusion of such hearing and after a consideration of the facts ascertained by the examination and investigation provided for in section 1596—9 of this act, it shall appear that the proposed improvement will not result in the improvement of navigation of the waters sought to be improved, or that all dams and other improvements as proposed to be constructed and maintained, will not be adequate to conserve, promote and protect all public rights in such waters or will endanger the life, health, or property of the public, that the interests of the public will not be better served by the construction, maintenance, and operation of such improvement than by any other, and, if it is proposed to develop hydraulic power in connection with such improvement, that the same will not result in the efficient development there-

of, the railroad commission shall so find, and the applicant is hereby denied authority to make such improvement, and the railroad commission shall refuse to grant a certificate of authority and shall issue an order to that effect and shall make such refusal a matter of record in the proceedings, stating their reasons for such refusal and shall give the applicant a copy thereof. If said certificate is refused no further proceedings shall be had before said railroad commission in the matter, but the application may be renewed after two years from the date of such refusal.

Ch. 652, 1911.

Orders prima facie lawful. SECTION 1596—14. Any order or orders made upon any finding by the railroad commission pursuant to section 1596—12 or 1596—13 of this act shall be in force and shall be prima facie lawful and reasonable until finally found otherwise in an action brought for such purpose pursuant to the provisions of section 1596—15 of this act and in all actions under said section the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that the order or orders of the railroad commission complained of are unlawful, or unreasonable, as the case may be.

Ch. 652, 1911.

Appeal. SECTION 1596—15. 1. Any person, firm, corporation, or municipality in interest, being dissatisfied with any order of the railroad commission made upon any finding of the commission pursuant to section 1596—12 or section 1596—13 of this act, may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside any such order on the ground that the same is unlawful or unreasonable, in which action the complaint shall be served with the summons.

Answer. 2. The answer of the railroad commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

Procedure. 3. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as are other civil actions.

Injunction. 4. No injunction shall issue suspending or staying any order of the commission, except upon application to the circuit court or presiding judge thereof, notice to the commission, and hearing.

Ch. 652, 1911.

New evidence upon trial; transmission to commission; stay of proceedings. SECTION 1596—16. 1. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the railroad commission, or additional thereto, the court before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the railroad commission and shall stay further proceedings in said action for fifteen days from the date of such transmission.

Reconsideration by commission. 2. Upon receipt of such evidence the railroad commission shall consider the same and may alter, modify, amend, or rescind the order or orders complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

Ch. 652, 1911.

Supplemental findings; procedure by court. SECTION 1596—17. 1. If the railroad commission shall rescind the order or orders complained of, the action shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order or orders shall take the place of the original order or orders complained of, and judgment shall be rendered thereupon as though made by the railroad commission in the first instance.

2. If the original order or orders shall not be rescinded or changed by the railroad commission judgment shall be rendered upon such original order or orders.

Ch. 652, 1911.

Appeal to supreme court. SECTION 1596—18. Either party to said action, within sixty days after service of a copy of the order or judgment of the circuit court, may appeal to the supreme court. Where an appeal is taken the cause shall, on the return of the papers to the supreme court, be immediately placed on the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

Ch. 652, 1911.

Practice and rules of evidence. SECTION 1596—19. In all actions brought pursuant to section 1596—15 of this act, all processes shall be served and the practice and rules of evidence shall be the same as in civil actions except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall execute any such process and shall receive such compensation therefor as may be prescribed by law for similar services.

Ch. 652, 1911.

Maps, profiles and specifications filed. SECTION 1596—20. Upon receiving an order from the railroad commission, as provided in section 1596—12 of this act, the appropriator shall, before commencing any work of construction thereby authorized, submit to the railroad commission a complete map and profile on the scale of not less than one inch per thousand feet showing the lands that may be affected by the erection and maintenance of any dam in connection with the proposed improvement, or by any flowage that may be caused thereby, and the outline of such flowage, and such other hydrographic and topographic data as the commission may prescribe, and shall also file complete detailed plans and specifications for any dam or other improvements proposed to be constructed.

Ch. 652, 1911.

Map and profile, plans and specifications approved. SECTION 1596—21. Upon receiving the map and profile and plans and specifications required by section 1596—20, the said railroad commission shall examine the same and shall hear the appropriator in support thereof, shall suggest and require modifications of the same or any part thereof, if in their judgment the public safety or welfare so demand, and shall investigate and determine that the proposed improvements and construction thereof will be adequate for securing and protecting the public safety in the maintenance and operation of said proposed improvement, and thereupon the said commission shall issue to said appropriator a written order approving said map and profile and plans and specifications as amended, if the same shall be amended, and the appropriator is hereby authorized to make such improvement and construct such improvements in accordance therewith.

Ch. 652, 1911.

Order authorizing operation. SECTION 1596—22. Upon the completion of the construction of any improvements under the

plans and specifications as approved by the railroad commission, the said appropriator shall, before operating the same, excepting for construction purposes, report the same to said railroad commission and said commission shall thereupon inspect and examine said improvements, or cause the same to be inspected and examined, and if it shall be found that the same have been constructed in accordance with said plans and specifications, as approved, said commission shall issue to said appropriator a written order authorizing it to operate the same, which order shall be presumptive evidence of the sufficiency of such construction. Said order shall specify in general terms the methods and conditions of such operation and it shall not be lawful for any such improvement or improvements to be operated till such order has been granted and obtained.

Ch. 652, 1911.

Existing franchises repealed. SECTION 1596—23. Every license, permit, or franchise authorizing the erection and maintenance of any dam in or across any navigable stream, heretofore granted and which by the terms thereof or otherwise is subject to repeal, is hereby repealed, such repeal to take effect and be in force six months after the passage and publication of this act.

Ch. 652, 1911.

Holders of existing franchises to apply for new franchises; application. SECTION 1596—24. 1. Any person, firm, corporation, or municipality owning any franchise, license or permit from the state heretofore granted authorizing the maintaining of any dam or other improvements pursuant to such franchise, license, or permit repealed as provided in section 1596—23, desiring to obtain authority to continue the maintenance and operation of such dam and other improvements, shall, at any time within one year after the passage and publication hereof, file a written application with the railroad commission for a franchise granting such authority. Such application shall state the value of all lands used and useful and necessary for use in the maintenance of such dam and other improvements, and a general description of such dam and other improvements, and the amount of hydraulic power created thereby; provided that nothing in this act shall be construed as authorizing a lessee or anyone claiming under the grantee of a franchise, license, or permit, other than an assignee, trustee, or receiver thereof, to become an applicant under this section.

Certificate of commission. 2. Upon the filing of such written application authority is hereby conferred upon such applicant to continue the maintenance of such dam and improvements for the purpose or purposes specified in the franchise, license, or permit granting authority to construct and maintain the same, and a franchise therefor, subject to all the terms, conditions, and provisions of this act, is hereby granted to such applicant. The railroad commission shall issue to such applicant a certificate evidencing the authority hereby conferred; provided that the railroad commission may, in the interest of the public rights in navigable waters and of the public safety and welfare order and require that any such dam or other improvements shall be strengthened and put in good repair, and compliance with such order and requirement shall be a condition precedent to the right to maintain and operate such dam and improvements under the franchise hereby granted, and provided, further, that authority to continue the maintenance of any dam or other improvements erected and maintained under any franchise, license or permit forfeited and terminated, or forfeitable under section 1775c of the statutes, or for non-user or misuser, or for any other reason, or under any other law of this state, shall not be granted under the provisions of this section.

New franchise for additional privileges. 3. If any person, firm, corporation, or municipality owning any franchise, license, or permit from the state heretofore granted authorizing the maintaining of any dam or other improvements pursuant to such franchise, license, or permit repealed by section 1596—23, and not coming within the provisions of subsection 2 of this section, desires to obtain authority to maintain such dam or other improvements under a franchise granting authority to maintain the same for a purpose other than or additional to that specified in the franchise, license, or permit so repealed, and if such other or additional purpose is a purpose for which a franchise may be granted under this act, such person, firm, corporation, or municipality shall make application therefor as provided in section 1596—8, and a franchise containing all the terms, conditions, and provisions of this act may be granted as is provided in sections 1596—9 to 1596—22, both inclusive, hereof, and the railroad commission shall issue to any applicant obtaining a franchise hereunder a certificate evidencing the authority thereby conferred.

Ch. 652, 1911.

In case of no application by holder of existing franchise, new franchise may be granted to another person. SECTION 1596—25. If any person, firm, corporation, or municipality, owning any franchise, license, or permit from the state heretofore granted authorizing the maintaining of any dam or other improvements in or across any navigable waters of this state under such franchise, license, or permit repealed as provided in section 1596—23, fails to apply for a franchise as provided in section 1596—24 and within the time therein specified, a franchise embodying all the terms, conditions, and provisions of this act, and authorizing the maintenance of such dam and other improvements, may be applied for and granted as provided in section 1596—8 to 1596—22, both inclusive, of this act, to any person, firm, corporation, or municipality applying therefor.

Ch. 652, 1911.

Powers and privileges not to be exercised after repeal of franchise. SECTION 1596—26. 1. On and after the day on which the repeal of any such franchise, license, or permit takes effect, no person, firm, corporation, or municipality shall exercise or attempt to exercise any powers, rights, or privileges under such franchise, license, or permit.

Penalty. 2. Any person, firm, or corporation violating any provision of this section shall forfeit for each such offense, and for each day of such violation, the sum of fifty dollars, the same to be collected in an appropriate action by the state, and any exercise or attempted exercise of any powers, rights, or privileges under any such repealed franchise may be enjoined at the suit of the state or any citizen thereof.

Ch. 652, 1911.

Application for franchise for unexpired term. SECTION 1596—27. 1. If any franchise granted under this act shall be forfeited or otherwise terminated before the expiration thereof, the right to continue the improvement thereby authorized for the unexpired term shall be subject to be applied for. The manner of applying for and obtaining a franchise to continue such improvement shall be governed by section 1596—24 of this act.

Application for new franchise at expiration. 2. At the expiration of any franchise granted under the provisions of this act the right to continue the improvement thereby authorized shall be subject to be applied for. The manner of applying for and of obtaining a franchise to continue such improvement shall

be governed by sections 1596—8 and by 1596—9 to 1596—22, both inclusive, of this act.

Ch. 652, 1911.

Appropriator may condemn improvements. SECTION 1596—28. 1. At the termination of any franchise, granted under the provisions of this act, or of any franchise, license, or permit granted prior to the passage and publication of this act authorizing the erection and maintenance of any dam and other improvements in or across any navigable waters, by expiration, forfeiture, repeal, or otherwise, the improvements erected, maintained, held and enjoyed, and used and useful in connection with the improvement authorized by such franchise, license, or permit may be taken by any appropriator authorized to maintain such dam and other improvements under the provisions of this act, and said appropriator is authorized and empowered to acquire, by and through condemnation proceedings under the power of eminent domain, in the manner provided in section 1596—46 of this act and to hold title to all such improvements.

2. Provided that in condemnation proceedings under this section the retiring appropriator in accepting the franchise theretofore granted to such appropriator shall be deemed to have agreed that any succeeding appropriator may acquire all lands and improvements acquired, erected, and maintained, or used or useful under the franchise of said retiring appropriator, by paying just compensation therefor, and that in determining such just compensation no allowance shall be made to such retiring appropriator for any increase in the value of any lands acquired or used and useful under such franchise, over and above the value of such lands at the time of the granting of such franchise, if the same were previously acquired, or at the time of acquisition, if the same were acquired subsequent to the granting of such franchise, and that no allowance shall be made for such franchise or any rights or privileges included therein.

Ch. 652, 1911.

Applicants written acceptance to be filed. SECTION 1596—29. No franchise granted pursuant to the provisions of this act shall become effective and be in force unless within ninety days after notice from the railroad commission, that the same has been granted, the applicant shall file with the railroad commission a written acceptance thereof.

Ch. 652, 1911.

Franchise for twenty years; extensions. SECTION 1596—30. Every franchise granted under the provisions of this act shall

be granted for a term of twenty years, but the appropriator, or his or its successors or assigns, shall have a right of continuance of such franchise for two further and successive terms of ten years each upon filing an application therefor with the railroad commission, subject to the right of the state to readjust the franchise value of a horse power, hereinafter provided for, at the commencement of the first and second continuances.

Ch. 652, 1911.

Application for extension of franchise. SECTION 1596—31. Upon filing an application therefor at the conclusion of the twenty year period, the franchise granted to such appropriator shall be continued, subject to all the terms, conditions and provisions of this act, for a period of ten years, and the like filing of an application at the end of the first continuance shall continue the franchise, in a like manner, for an additional period of ten years.

Ch. 652, 1911.

Assignment of franchise. SECTION 1596—32. Whenever there shall be any transfer or assignment of any franchise granted under this act, the same shall be in writing and a certified copy thereof shall, within ten days after the execution thereof, be filed with the secretary of state and with the railroad commission of Wisconsin, provided that no franchise granted hereunder shall be transferred or assigned to a foreign corporation; and provided further that no municipality shall transfer or assign any franchise granted hereunder nor make any contract or lease of any rights thereunder for a period longer than ten years.

Ch. 652, 1911.

All franchises accepted under terms of act. SECTION 1596—33. Every franchise granted under the provisions of this act is accepted, taken, and held subject to all the terms, conditions, and provisions of such franchise and of this act and is so accepted, taken, and held in consideration of the powers, privileges, and prerogatives conferred by said franchise.

Ch. 652, 1911.

Alterations and additions to dams, etc., to be authorized by commission. SECTION 1596—34. No substantial alterations or additions shall be made to any dam or other improvements constructed or maintained under any franchise granted under the provisions of this act without first obtaining an order authorizing

such alterations or additions from the railroad commission. Such order shall be issued by the railroad commission after an investigation and a finding by said commission that the proposed alterations or additions will not impair the efficiency or sufficiency of such dam or other improvements.

Ch. 652, 1911.

Franchise issued for additional or other purposes. SECTION 1596—35. 1. No appropriator shall use or utilize any dam or other improvements constructed or maintained under any franchise granted under the provisions of this act for any purpose or purposes other than or additional to those specified in such franchise.

2. Any appropriator desiring to use or utilize any such dam or other improvements for any purpose other than or additional to those specified in the franchise granting authority to construct or maintain the same shall make application therefor to the railroad commission as provided in section 1596—8 of this act, and a franchise granting such authority and containing all the terms, conditions, and provisions of this act may be granted to said appropriator as is provided in sections 1596—9 to 1596—22, both inclusive, hereof.

Ch. 652, 1911.

Franchise fee: manner fixed. SECTION 1596—36. 1. Every appropriator during the life of his appropriation, as fixed by the franchise creating the authority to so appropriate, shall pay to the state of Wisconsin as a franchise fee, on or before the first day of February of each year, five per cent per annum of the franchise value of each and every horse power produced by the use of water power and utilized and put to beneficial use by the said appropriator during the year ending December 31, next preceding; provided that such franchise fee for each and every such horse power shall not be less than ten cents nor more than two dollars per horse power.

2. The franchise value of each horse power shall be fixed as nearly as may be, as the difference in cost of producing for use at the place of development or generation, a horse power by the use of the water power under consideration, and the cost of producing for use at such place in like quantities and on an equivalent basis a horse power by the use of any kind of fuel, provided that for all power transmitted from the place of development and generation the franchise value of a horse power shall be fixed as near as may be, as the difference in cost of producing and delivering to the place of utilization a horse power by the

use of the water power under consideration, and the cost of producing and delivering at the same place in like quantities and on an equivalent basis a horse power by the use of any kind of fuel.

3. The franchise value of a horse power shall be fixed by the railroad commission and in fixing the same as provided in subsection 2 hereof, the railroad commission shall take into consideration on the one hand: the cost of machinery and the expense of installation and maintenance and the depreciation thereof, the cost of labor, the uniformity of the flow of the stream, the amount of hydraulic horse power developed and capable of development and put to beneficial use or capable of being put to such use, the load factor, the use or uses to which the power developed is to be or may be put, and all other relevant and material facts affecting the cost and value of the production and delivery of the hydraulic horse power, and shall give to each its proper weight; and, on the other hand, the cost of machinery and the expense of installation and maintenance and the depreciation thereof, the cost of labor and fuel used in the production of a horse power by the use of any kind of fuel, and all other relevant and material facts affecting the cost and value of the production and delivery of the horse power by the use of any kind of fuel, and shall give to each its proper weight.

4. The railroad commission shall take as its basis for value, a horse power operating ten hours per day, and, for the purposes of this act, a horse power is hereby defined and declared to be five hundred fifty feet pounds of energy per second net horse power delivered at the place or places of utilization.

5. Such appropriator shall pay the annual franchise fee to the state treasurer to be placed in the general fund. The railroad commission shall annually, on or before the 15th day of January, notify each appropriator the amount of the franchise fee due to the state from said appropriator and shall certify a copy of such notification to the state treasurer.

Ch. 652, 1911.

Failure to pay license fee forfeiture of franchise. SECTION 1596—37. The failure of any appropriator to pay the annual franchise fee provided for within ninety days after the same is due and payable shall cause a forfeiture of the franchise of such appropriator. Upon proper suit brought by the state such franchise shall be forfeited and terminated, and all rights thereunder shall thereupon be subject to reappropriation as provided in this act.

Ch. 652, 1911.

Franchise fee preferred lien. SECTION 1596—38. The state shall have a preference lien, second only to the lien for taxes, upon all property of the appropriator used in connection with any appropriation for the annual franchise fee herein provided for, and upon notice from the railroad commission to the governor, the state shall foreclose such lien by appropriate action brought for said purpose.

Ch. 652, 1911.

Daily records of horse power; reports. SECTION 1596—39. It shall be the duty of every appropriator to keep a correct daily record of the number of horse power daily put to beneficial use by said appropriator. It shall be the further duty of every appropriator to report once in each three months, viz., on the first day of April, July, October, and January, to the railroad commission, upon blanks to be furnished by said commission, the exact and correct number of horse power daily put to beneficial use by the said appropriator, stating the number of hours per day such horse power was put to beneficial use.

Ch. 652, 1911.

Measuring instruments and devices. SECTION 1596—40. The railroad commission may prescribe the character of measuring instruments and devices to be used by any appropriator for the purpose of ascertaining facts required by this act to be ascertained, and a reasonable standard of the accuracy thereof, and the methods by which said accuracy is to be determined. Said appropriator shall provide and use such instruments and devices and have the same tested accordingly.

Ch. 652, 1911.

State may acquire at end of periods. SECTION 1596—41. Every franchise granted under the provisions of this act is granted subject to the express condition that the state, when it shall have the constitutional power, may at the termination of the twenty or either ten year period for which the franchise is granted, acquire, by purchase, lease, condemnation, or other manner provided by law, and all improvements constructed and maintained by any appropriator under the provisions of this act, and the basis of value for any and all such improvements shall be the same as in the case of acquisition of any such improvements by a municipality as provided and defined in section 1596—42 of this act.

Ch. 652, 1911.

Municipality may acquire improvements; procedure; compensation. SECTION 1596—42. 1. Any municipality may, at the termination of the twenty or either ten year period for which any franchise is granted, and in the manner provided in this section, acquire any improvements constructed and maintained by any appropriator under such franchise.

2. The compensation for any such improvements to be acquired by any municipality shall be determined by the railroad commission subject to the provisions of subsection 3 of this section, and in acquiring such property and in determining such compensation the procedure for acquiring the property of a public utility by a municipality, provided for in section 1797m—80 to 1797m—86, both inclusive, of the statutes, shall, in so far as applicable, govern and be followed.

3. Any appropriator by the acceptance of a franchise granted under the provisions of this act shall be deemed, by the acceptance thereof, to have agreed that any municipality or the state may acquire all dams and improvements acquired, erected, and maintained, or used or useful under the franchise of said appropriator by paying just compensation therefor, and that in determining such just compensation no allowance shall be made to such appropriator for any increase in the value of any lands acquired or used or useful under such franchise, over and above the value of such lands at the time of the granting of such franchise, if the same were previously acquired, or at the time of acquisition, if the same were acquired subsequent to the granting of such franchise, and that no allowance shall be made for such franchise or any rights or privileges included therein.

Ch. 652, 1911.

Improvement to be completed within three years. SECTION 1596—43. Any franchise granted pursuant to the provisions of this act shall be null and void unless the improvement thereby authorized be completed within three years from the time when such franchise becomes effective and in force. The railroad commission may, however, upon good cause being shown, extend such time for an additional two years. Provided that no extension of time shall be granted unless it be shown that at least one-third of the work of construction authorized by the franchise has been completed at the time of making application for such extension.

Ch. 652, 1911.

Times dam etc. must be operated. SECTION 1596—44. After such dam and other improvements are completed the same

shall be maintained and operated for at least one-half the time during each six year period throughout the duration of the franchise authorizing the same, and the failure to maintain and operate the same continuously for a period of three years shall constitute an abandonment and surrender of the franchise, unless some maintenance and operation is prevented by the act of God or the public enemy.

Ch. 652, 1911.

Applies to waters between states. SECTION 1596—45. The provisions of this act shall apply to all franchises granted authorizing the improvement of the navigation of any navigable waters lying between this and an adjoining state, provided that the franchise fee provided for in section 1596—36 of this act shall be computed upon fifty per cent of the horse power developed and utilized under the franchise granted from this and the adjoining state.

Ch. 652, 1911.

Condemnation by appropriator. SECTION 1596—46. 1. Every appropriator shall, for the purpose of taking or flowing any lands or property for any improvement authorized by any franchise granted under this act, be subject to all the provisions, remedies, and liabilities, and shall be entitled to all the benefits, privileges, remedies, and provisions of chapter 146 of the statutes, which are applicable and not inconsistent with this act, but nothing contained in this section shall be taken to preclude said appropriator from acquiring title to or the right to use any and all such lands or property by purchase, lease, license, or by any usual method or means of acquisition of title by act of parties.

2. Also for the purpose of acquiring the necessary lands or easements or privileges in lands, so that the complete improvement under this act and any franchise granted hereunder may be carried out, such appropriator shall enjoy the rights granted to and conferred upon corporations by sections 1777a to 1777e, both inclusive, of the statutes.

Ch. 652, 1911.

Supervision of commission. SECTION 1596—47. 1. The improvement of the navigation of all navigable waters of this state, and the construction and maintenance of all improvements under this act, shall be under the supervision of the railroad commission. Such railroad commission or any member thereof or any person appointed by said railroad commission for such

purpose, shall, during the construction thereof and at all times, have free access to any and all parts of the premises, structures, and works necessary and constructed and maintained in connection with such improvement.

Regulation of water level. 2. The railroad commission shall have power to regulate and control the level and flow of water in all navigable waters in this state, and may order and require monuments or benchmarks to be erected or may erect monuments or benchmarks upon which shall be designated the maximum and minimum level of water that may be maintained under any franchise or in any navigable waters of the state.

Ch. 652, 1911.

Method of dam construction. SECTION 1596—48. For the purpose of aiding and protecting navigation and other public rights in any navigable waters of this state, any dam authorized to be constructed and maintained in or across such waters, shall be constructed and maintained under the following provisions:

(1) When required by the railroad commission, every such dam shall be provided with suitable slides and chutes for the passage of logs and timber products, and such slides and chutes shall at all time be kept in good repair.

(2) If the water in or across which any such dam is constructed and maintained are navigable for purposes of commerce or for pleasure boats and crafts, every such dam shall, when required by the railroad commission, be equipped and maintained with a lock, boathoist, marine railway, or other efficient device of a size and construction to be approved by the railroad commission. Such lock, boathoist, marine railway, or other efficient device when constructed shall at all times be maintained in good repair and working order.

(3) When required by the railroad commission every such dam shall be provided with a good and sufficient fishway, and said fishway when constructed shall at all times be kept in good repair and open for the free and easy descent and ascent of fish.

(4) When required by the railroad commission every such dam shall be equipped and maintained with spillways or flood gates capable of permitting the passage through or over the same of any or all floods during freshets and during all seasons of the year.

(5) Subject to the approval of the railroad commission, there shall be erected and maintained by the owner thereof, two permanent monuments at every such dam marking the minimum

and maximum heights to which the head of water may be maintained in accordance with the franchise.

Ch. 652, 1911.

Maintenance of improvements. SECTION 1596—49. During the continuance of any franchise granted pursuant to the provisions of this act, the appropriator shall keep and maintain all improvements in good repair and condition, and shall not willfully or otherwise injure or destroy the same or any material part thereof.

Ch. 652, 1911.

Formation of trusts or conspiracies in restraint of trade to forfeit franchises. SECTION 1596—50. 1. If any improvement, maintained under a franchise granted pursuant to the provisions of this act, shall be owned, leased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that the same form part of, or in any way affect any combination, or shall be in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of any hydraulic power or electric energy derived therefrom or in any manner or degree in restraint of trade in the generation, sale, or distribution of hydraulic power or electric energy derived therefrom, the franchise granted authorizing the erection and maintenance of said dam and the improvement of navigation and the development of hydraulic power by the appropriator, shall be forfeited to the state of Wisconsin by proceedings instituted by the state in the courts for that purpose.

2. Provided that nothing herein contained shall be so construed as to prohibit any appropriator from uniting or joining with any person, firm, or corporation in an adjoining state for the construction and maintenance of any dam in or across any navigable waters which in whole or in part are a boundary between this and such adjoining state, for the purpose of improving navigation of any such waters or developing hydraulic power or for the purpose of generating and transmitting for sale to the public any electrical energy derived from any hydraulic power created and developed by virtue of any such improvement.

Ch. 652, 1911.

Electric energy sold to public without discrimination. SECTION 1596—51. Any appropriator developing hydraulic power under a franchise granted pursuant to the provisions of this act

is authorized and required to lease or dispose of said power and any electrical energy derived therefrom to the public without discrimination and at a reasonable rate. However, said appropriator may retain and use as much of said hydraulic power and electrical energy as shall be reasonably necessary for its own purpose or purposes.

Ch. 652, 1911.

Commission to regulate rates. SECTION 1596—52. 1. The railroad commission shall have supervision over the sale and distribution of and may regulate and fix a reasonable rate to be charged for any and all hydraulic power resulting from any improvement authorized under any franchise granted pursuant to the provisions of this act and for any and all electrical energy and mechanical power derived therefrom. In the exercise of such supervision and regulation and fixing of rates, said railroad commission shall have the rights, powers, and privileges conferred upon such commission by sections 1797m—1 to 1797m 108, both inclusive, of the statutes, and shall be governed in its procedure by said sections of the statutes, except as herein otherwise provided. .

2. Any appropriator offering for sale or selling or leasing any hydraulic power resulting by reason of any improvement authorized under this act or any electrical energy or mechanical power derived therefrom shall be subject to all the provisions of sections 1797m—1 to 1797m—108, both inclusive, of the statutes, and shall enjoy all privileges and rights conferred upon public utilities by said sections of the statutes, and not inconsistent with or repugnant to the provisions of this act.

Ch. 652, 1911.

Complaint by consumers. SECTION 1596—53. Upon complaint made against any appropriator by any mercantile, agricultural, or manufacturing society, or by any body politic or municipal organization, or by any twenty-five persons, firms, corporations, or associations, that the supply of hydraulic power of such appropriator is inadequate or cannot be obtained because of the unreasonable failure or refusal of such appropriator to develop a reasonable amount or all of the hydraulic power capable of development in connection with any improvement authorized by such franchise, or because such appropriator unreasonably fails or refuses to transform into electrical energy a reasonable amount of such power and transmit the same for sale to the public, the railroad commission shall pro-

ceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting such service shall be entered by the railroad commission without a formal hearing.

Ch. 652, 1911.

Notification to appropriator. SECTION 1596—54. The railroad commission shall, prior to such formal hearing, notify the appropriator complained of that a complaint has been made, and ten days after such notice has been given the railroad commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

Ch. 652, 1911.

Hearing. SECTION 1596—55. The railroad commission shall give the appropriator complained of and the complainant ten days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the appropriator and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

Ch. 652, 1911.

Order of commission. SECTION 1596—56. 1. If upon such hearing and investigation it shall be found that for the reason or reasons set out in the complaint the supply of hydraulic power of any appropriator is inadequate or cannot be obtained, and if a showing be made at such hearing that public convenience and a necessity require it, the railroad commission shall have power to order such appropriator to develop and dispose of to the public all or any additional part of the hydraulic power capable of development in connection with any improvement authorized by the franchise granted to such appropriator and not used or necessary for its purposes, and may also, upon such showing, order that all or any part of such developed hydraulic power not used or necessary for the purposes of such appropriator be transformed into electrical energy and that the same be transmitted for sale to the public.

2. However, in no case shall any such appropriator be required to develop additional power or to transform and transmit any electrical energy when it appears that a reasonable return cannot be earned upon the total investment involved including the additional investment necessary for such additional development or for such transformation and transmission.

Ch. 652, 1911.

Expenses of proceedings. SECTION 1596—57. If upon such investigation the allegations of the complaint shall be found to be true, the expenses incurred by the railroad commission in making investigation may be assessed by the said commission against the appropriator complained of.

Ch. 652, 1911.

Investigation on motion of commission. SECTION 1596—58. Whenever the railroad commission shall believe that public convenience and a necessity require the development of all the hydraulic power capable of development in connection with any improvement authorized by any franchise granted under this act, or the transformation of any or all of such hydraulic power into electrical energy and the transmission of the same for sale to the public, said commission may on its own motion summarily investigate the same, with or without notice.

Ch. 652, 1911.

Notice to appropriator. SECTION 1596—59. If, after making such summary investigation, the railroad commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so summarily investigated, such commission shall furnish the appropriator interested a statement notifying such appropriator of the matters under investigation. Ten days after such notice has been given the railroad commission may proceed to set a time and place for hearing and investigation as hereinbefore provided.

Ch. 652, 1911.

Notice of hearing; procedure. SECTION 1596—60. Notice of the time and place for such hearing shall be given to the appropriator and to such other interested persons as the railroad commission shall deem necessary, as provided in section 1596—54, and thereafter procedure shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the railroad commission, relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

Ch. 652, 1911.

Complete development of power required when public necessity demands it. SECTION 1596—61. 1. If public convenience and a necessity require it, any appropriator maintaining any dam under a franchise granted under the provisions of this act

shall develop any or all of the hydraulic power created by such dam and capable of development and shall transform any or all of such power, not reasonably necessary for the purpose or purposes of said appropriator, into electrical energy and shall transmit the same, or such part thereof as is not reasonably necessary for the purpose or purposes of said appropriator, for sale to the public.

Complaint by consumer. 2. Upon complaint made against any appropriator by any mercantile, agricultural, or manufacturing society, or by any body politic or municipal organization, or by any twenty-five persons, firms, corporations, or associations that public convenience and a necessity require that all or any part of the hydraulic power created by any such dam and capable of development be developed and that any or all of such developed power, not reasonably necessary for the purpose or purposes of said appropriator, be transformed into electrical energy and the same or any part thereof not reasonably necessary for the purpose or purposes of said appropriator, be transmitted for sale to the public, and that said appropriator unreasonably neglects and refuses to develop or transform and transmit such power, the railroad commission shall make such investigation as it shall deem necessary. But no order affecting the development or transformation and transmission of such power shall be made or entered by the railroad commission without a formal public hearing.

Ch. 652, 1911.

Notice to appropriator. SECTION 1596—62. The railroad commission shall prior to such formal hearing, notify the appropriator complained of that a complaint has been made, and ten days after such notice has been given the railroad commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

Ch. 652, 1911.

Notice of hearing. SECTION 1596—63. The railroad commission shall give the appropriator complained of and the complainant ten days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the appropriator and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

Ch. 652, 1911.

Order of the commission. SECTION 1596—64. If upon such hearing and investigation the allegations of the complaint be found to be true, and if it be shown that public convenience and a necessity require it, the railroad commission shall have power to order such appropriator to develop all or any part of the hydraulic power created by any dam constructed and maintained by said appropriator under the provisions of this act, and to order that any or all of such developed power, not reasonably necessary for the purpose or purposes of said appropriator, be transformed into electrical energy and that all or any part thereof not reasonably necessary for the purpose or purposes of said appropriator, be transformed and transmitted for the sale to the public.

Ch. 652, 1911.

Powers of commission; procedure. SECTION 1596—65. For the purpose of carrying into effect sections 1596—53 to 1596—64, both inclusive, of this act, the railroad commission shall have all the rights, powers, and privileges conferred upon said commission by sections 1797m—43 to 1797m—73, both inclusive, of the statutes, and shall be governed in its procedure by said sections of the statutes; and for such purpose every appropriator shall be subject to all the provisions of said sections 1797m—43 to 1797m—73, both inclusive, of the statutes, and shall enjoy all the rights and privileges conferred by said sections of the statutes upon public utilities against which complaint has been made as for inadequacy of service.

Ch. 652, 1911.

Information and reports by appropriator. SECTION 1596—66. 1. Every appropriator shall furnish to the railroad commission, upon blanks to be furnished by said commission, all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the railroad commission, and shall make any and all reports required by said commission.

2. Every such appropriator receiving from the railroad commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and said answer shall be verified under oath by the appropriator or his duly authorized representative and returned to the railroad commission at its office within the period fixed by said commission.

Ch. 652, 1911.

Books, etc. subject to inspection. SECTION 1596—67. The railroad commission or any member of such commission or any person or persons employed by such commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any appropriator operating under a franchise granted pursuant to this act, and to examine under oath any agent or employe of such appropriator in relation to its business and affairs.

Ch. 652, 1911.

Witnesses; evidence. SECTION 1596—68. The railroad commission and each member of such commission for the purposes mentioned in this act shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents, and testimony.

Ch. 652, 1911.

Tolls. SECTION 1596—69. Any appropriator operating under a franchise granted pursuant to this act shall be subject to all the duties and liabilities imposed by the statutes and laws of this state upon river improvement companies organized under the general law, and shall be entitled to all such reasonable tolls by reason of facilities or improvements furnished in aid of navigation, and shall be entitled to all rights and remedies in relation thereto as are given to river improvement companies by the statutes and laws of this state; but the tolls to be charged and collected shall at all times be subject to regulation and restriction by the railroad commission of Wisconsin in the same manner as railroad rates may be regulated by said commission.

Ch. 652, 1911.

Not applicable to water reservoir companies. SECTION 1596—70. The provisions of this act shall not apply to corporations heretofore organized in whole or in part to establish, maintain, or operate a system of water reservoirs for the purpose of regulating the flow of water in any river in the state. Nothing in this act shall be construed to authorize the establishment, maintenance, or operation of a system of reservoirs for the purpose of regulating the flow of water in any river of the state, nor shall the right or authority to establish, maintain, or operate such a system of water reservoirs be included in or made a part of any franchise.

Ch. 652, 1911.

Forfeiture of franchise for failure to comply. SECTION 1596—71. If any appropriator operating under any franchise granted pursuant to the provisions of this act fails substantially to comply with any of the provisions of this act, or its franchise, or of law, or if any such appropriator fails to comply with any ruling, finding, stipulation, or determination of the railroad commission, the franchise of such appropriator shall be forfeited. The railroad commission shall notify the governor of any such failure, and upon proper suit being brought by the state, such franchise shall be forfeited and all rights thereunder shall terminate and cease.

Ch. 652, 1911.

Part of law invalid not to affect whole act. SECTION 1596—72. It is the intention of the legislature that sections 1596—1, 1596—2, 1596—3, 1596—23 and 1596—73 of this act, be construed to be separable or independent portions thereof, and that any one or all of said sections may fail or be declared invalid without affecting any other section or sections of the act; and it is the further intention of the legislature, that if any other separable or independent portion of this act, not necessary for the accomplishment of the main purposes sought to be accomplished thereby, fails, the remainder of said act shall not be affected by the failure of such separable or independent portion of said act.

Ch. 652, 1911.

Body of water in existence twenty years public. SECTION 1596—73. Every body of navigable water created by any dam, and lawfully, continuously and adversely maintained for over twenty years, is hereby declared to be a permanent public body of water and shall be held in trust by the state for the use of all the people the same as other navigable waters of this state, and no such body of water shall be destroyed nor shall its navigability be impaired.

Ch. 652, 1911.

Franchise fee not a tax. SECTION 1596—74. The franchise fee provided for in section 1596—36 of this act shall not be construed to be a tax or to be in lieu of or to in any manner affect any tax, state or local, authorized by law to be levied against the property of and collected from any appropriator.

Ch. 652, 1911.

Powers may be transferred from commission. SECTION 1596—75. The legislature reserves the right to at any time transfer

the duties, powers, and privileges conferred by this act upon the railroad commission to any other commission or body or state agency as may be provided by law.

Ch. 652, 1911.

Appropriation. SECTION 1596—76. There is hereby appropriated out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act, not exceeding the sum of ten thousand dollars.

Ch. 652, 1911.

Commission may change terms of existing franchises. SECTION 1604m. If the franchise, license or permit under which the dam has heretofore been authorized to be, or has been constructed or maintained, shall require the construction or maintenance in such dam or in connection therewith of any slide, chute, lock, canal, boat hoist, sluice way, marine railway or other device for aiding or protecting navigation or the public safety, or shall contain any restriction upon the height of such dam, the railroad commission of Wisconsin shall, upon application of the grantee of such franchise, his or its personal representatives, successors or assigns, and upon thirty days' notice in writing to the grantee, and to any person or corporation claiming under the grantee, and after public hearing, determine whether such requirements or restrictions, or any of them, have ceased to be necessary, or are unnecessary, to aid or protect the navigability of the water in which such dam was authorized to be constructed or maintained, or to protect the public safety, and if upon such investigation the railroad commission shall determine that any of such requirements or restrictions have thus ceased to be necessary, or are unnecessary, it shall make a finding to such effect, and thereupon the requirements and restrictions so found to be unnecessary shall be dispensed with until such time as the railroad commission may, upon investigation had, require such restrictions and requirements to be replaced.

Ch. 591, 1911.

* * *

Hours of labor of women; posting notice; penalty. SECTION 1728—1. 1. No female shall be employed or permitted to work in any manufacturing, mechanical or mercantile establishment, laundry or restaurant, or confectionery store, or telegraph or telephone office or exchange, or by any express or transportation company, in this state, more than ten hours during any one day, or more than fifty-five hours in any one week. The hours may be so arranged as to permit the employment of females at any time,

but they shall not work more than ten hours during the twenty-four hours of any one day, nor more than fifty-five hours during one week. If, however, any part of a female's daily employment is performed between the hours of eight o'clock p. m. and six o'clock a. m. of the following day, all the employment shall be considered night work, and no such female so employed at night work shall be employed or permitted to work thereat more than eight hours in any twenty-four hours, nor more than forty-eight hours during one week. If any such female is employed not more than one night in the week (after eight o'clock as herein provided), then such female may be permitted to work fifty-five hours in any such week. Provided, that at least one hour for dinner be allowed each female during her working period, but no part of such hour shall be considered as a part of the permitted period of daily employment.

2. Every employer shall post in a conspicuous place in every room, such females are employed, a printed notice stating the hours of commencing and stopping such work, the time allowed for dinner or other meals, and the maximum number of hours any female employe is permitted to work in any one day.

3. The employment of any female in any such place or establishment, as defined in subsection 1, of this section, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act.

4. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars.

Ch. 548, 1911.

* * *

STOCK AND BOND LAW.

Sections 1753 to 1753—22.

Corporation stocks and bonds; consideration; fictitious increase void. SECTION 1753. No corporation shall issue any stock or certificate of stock except in consideration of money or of labor or property estimated at its true money value, actually received by it, equal to the par value thereof, nor any bonds or other evidences of indebtedness except for money or for labor or property estimated at its true money value, actually received by it, equal to seventy-five per cent. of the par value thereof,

and all stocks and bonds issued contrary to the provisions of law and all fictitious increase of the capital stock of any corporation shall be void.

Ch. 576, 1907.

"Public service corporation" defined. SECTION 1753—1. The term "public service corporation" when used in this act shall mean and embrace every railroad, street railway, telegraph, telephone, express, freight line, sleeping car, light, heat, water, and power corporation, and all other corporations, excepting towns, villages, and cities, engaged in the business of supplying the public, directly or indirectly, with light, heat, power, or water, or in transmitting telegraph or telephone messages, or in transporting passengers, freight, or express; the term "commission" when used in this act shall mean the railroad commission of Wisconsin; the term "capital account" when used in this act shall mean the capital account prescribed by the commission and required to be kept by every public service corporation as provided by law; the term "net income or revenue" when used in this act shall mean the money available for dividends and surplus according to the accounts prescribed by the commission and required to be kept by every public service corporation.

Ch. 593, 1911.

Control of liens vested in state. SECTION 1753—2. The power to create liens on corporate property by public service corporations in this state is a special privilege, the right of supervision, regulation, restriction, and control of which shall be vested in the state, and such power shall be exercised according to the provisions of these statutes.

Ch. 593, 1911.

Applies to securities payable in more than one year. SECTION 1753—3. Except as otherwise provided herein, the provisions of this act shall apply to the issue by public service corporations of stocks, certificates of stock, bonds, notes or other evidences of indebtedness payable at periods of more than one year after the date thereof.

Ch. 593, 1911.

Issue not to exceed amount reasonably necessary. SECTION 1753—4. No public service corporation shall hereafter issue for any purposes connected with or relating to any part of its business, any stocks, certificates of stock, bonds, notes, or other

evidences of indebtedness, to an amount exceeding that which may from time to time be reasonably necessary for the purpose for which such issue of stock, certificates of stock, bonds, notes, or other evidences of indebtedness may be authorized.

Ch. 593, 1911.

Purposes for which stocks, bonds, etc., may be issued. SECTION 1753—5. A public service corporation may issue stocks, certificates of stock, bonds, notes, or other evidences of indebtedness, when necessary for organization expenses and all other expenses reasonably required in connection with the financing and construction of its property, for the acquisition of property, the construction, completion, extension, or improvement of its plant, distributing system, or facilities, or for the improvement of its service, or for the discharge or refunding of its legal obligations, or in case of railroad corporation for any of the purposes stated in section 1826 or subsection 10 of section 1828 of the statutes, provided, however, that no such corporation shall issue any stocks or certificates of stock for any purpose which is not properly chargeable to its capital account; and that if any such corporation shall issue any bonds, notes, or other evidences of indebtedness for any lawful purpose which is not properly chargeable to its capital account, it shall set aside annually from its net income or revenue, if any, such a sum that when such bonds, notes, or other evidences of indebtedness shall become due and payable, the total amount of said sums so set aside shall be sufficient to pay and discharge the same.

Ch. 593, 1911.

Purposes for which stocks, bonds, etc., may not be issued. SECTION 1753—6. No public service corporation shall issue any stocks, certificates of stock, bonds, notes, or other evidences of indebtedness for the purpose of paying, discharging, refunding, exchanging for, or retiring, in whole or in part, directly or indirectly, any of its bonds, notes, or other evidences of indebtedness, payable at periods of less than one year after the date thereof, which were issued for purposes not properly chargeable to its capital account.

Ch. 593, 1911.

Consideration for stocks and bonds. SECTION 1753—7. No public service corporation shall issue any stock or certificate of stock except in consideration of money, or of labor or property, at its true money value, as found and determined by the commission as in this act provided, actually received by it, equal to

the face value thereof, or any bonds, notes, or other evidences of indebtedness except for money, or for labor or property estimated at its true money value, as found and determined by the commission as in this act provided, actually received by it equal to a sum not less than seventy-five per cent of the face value thereof, provided, however, that no bonds, notes, or other evidences of indebtedness of any such corporation issued for the purpose of refunding, retiring, or discharging any of its bonds, notes, or other evidences of indebtedness, shall be issued at less than seventy-five per cent of the face value thereof, plus the amount of any discount hereafter paid or incurred by such corporation upon the issuance of the bonds, notes, or other evidences of indebtedness to be refunded, retired, or discharged. All stocks, certificates of stocks, bonds, notes, and other evidences of indebtedness, of any public service corporation issued contrary to the provisions of this act shall be void.

Ch. 593, 1911.

Bonds to bear reasonable proportion to stock. SECTION 1753

—8. The amount of bonds, notes, or other evidences of indebtedness which any public service corporation may issue shall bear a reasonable proportion to the amount of stock and certificates of stock issued by such corporation, due consideration being given to the nature of the business in which the corporation is engaged, its credit and future prospects, the effect which such issue will have upon the management and efficient operation of the corporation by reason of the relative amount of financial interest which the stockholders will have in the corporation, and the circumstances surrounding the operation and business of the corporation.

Ch. 593, 1911.

Issues for money only; proceedings, statement by corporation. SECTION 1753—9. 1. No public service corporation shall hereafter issue any stocks, certificates of stock, bonds, notes, or any other evidences of indebtedness, except such as are issued for money only and payable one year or less from the date thereof, until it shall have first obtained authority for such issue from the commission, as herein provided. The proceedings for obtaining a certificate of such authority from the commission and the conditions of its being granted by the commission shall be as follows: In case the stocks, certificates of stock, bonds, notes, or other evidences of indebtedness are payable at periods of more than one year after the date thereof, and are to be issued for money only, the corporation shall file with the commission

a statement, signed and verified by its president and secretary, setting forth (a) the amount and character of the proposed stocks, certificates of stock, bonds, notes, or other evidences of indebtedness; (b) the purposes for which they are to be issued; (c) the terms on which they are to be issued, and (d) the total assets and liabilities, and the previous financial operations and business of the corporation, in such detail as the commission may require.

Incorporators may petition; issues for money only; commission's investigation and valuation. 2. The signers of the articles of association of a public service corporation hereafter organized may sign and verify such statement in the first instance. For the purpose of enabling it to determine whether the proposed issue complies with the provisions of this act, the commission shall make such inquiry or investigation, hold such hearings and examine such witnesses, books, papers, documents, or contracts, as it may deem of importance in enabling it to reach a determination. It may also make a valuation of all the property of the corporation if it deems it pertinent to the inquiry or investigation. It shall find and determine the amount of such stock, certificates of stock, bonds, notes, or other evidences of indebtedness, reasonably necessary for the purposes for which the same are to be issued.

Issues for money only; commission's certificate. 3. If the commission shall determine that such proposed issue complies with the provisions of this act such authority shall thereupon be granted, and it shall issue to the corporation a certificate of authority, stating: (a) the amount of such stocks, certificates of stock, bonds, notes, or other evidences of indebtedness reasonably necessary for the purposes for which they are to be issued, and the character of the same; (b) the purposes for which they are to be issued, and (c) the terms upon which they are to be issued. Such corporation shall not apply the proceeds of such stock, bonds, notes, or other evidences of indebtedness as aforesaid, to any purposes not specified in such certificate, nor issue such stock, bonds, notes, or other evidences of indebtedness, on any terms not specified in such certificate.

Issued for other than money; corporation's statements. 4. In case the stocks, certificates of stock, bonds, notes, or other evidences of indebtedness, payable in more than one year after the date thereof, or payable in less than one year from the date thereof when issued for purposes properly chargeable to its

capital account, are to be issued, partly or wholly for property or services or other consideration than money, the corporation shall file with the commission a statement, signed and verified by its president and secretary, setting forth (a) the amount and character of the stocks, certificates of stock, bonds, notes, or other evidences of indebtedness proposed to be issued; (b) the purposes for which they are to be issued; (c) the description in detail and estimated value of the property or services for which they are to be issued; (d) the terms on which they are to be issued or exchanged; (e) the amount of money, if any, to be received for the same, in addition to such property, services, or other consideration, and (f) the total assets and liabilities, and the previous financial operations and business of the corporation, in such detail as the commission may require.

Issued for other than money; commission's investigation and valuation. 5. The signers of the articles of association of a public service corporation hereafter organized, may sign and verify such statement, in the first instance. For the purpose of enabling it to determine whether the proposed issue complies with the provisions of this act, the commission shall determine the true valuation, in detail, of the property, services, or other consideration other than money, for which it is proposed to issue, in whole or in part, such stocks, certificates of stock, bonds, notes, or other evidences of indebtedness, and shall make such inquiry or investigation, hold such hearings, and examine such witnesses, books, papers, documents, or contracts as it may deem of importance in enabling it to reach a determination.

Issues for other than money; commission's certificate. 6. If the commission shall determine that the proposed issue complies with the provisions of this act, such authority shall thereupon be granted and it shall issue to the corporation a certificate of authority stating: (a) the amount of such stocks, certificates of stock, bonds, notes, or other evidences of indebtedness reasonably necessary for the purposes for which they are to be issued, and the character of the same; (b) the purposes for which they are to be issued; (c) the terms upon which they are to be issued, and (d) the true value of the property, services, or other consideration than money (which shall be described in detail) as found and determined by the commission, for which, in whole or in part, such issue is to be made.

Application of proceeds. 7. Such corporation shall not apply the proceeds of the sale of such stock, bonds, notes, or other evidences of indebtedness as aforesaid to any purpose not speci-

fied in such certificate, nor issue such stock, bonds, notes, or other evidences of indebtedness on any terms not specified in such certificate, and no property, services, or other consideration than money shall be taken in payment to the corporation for such stock, certificates of stock, bonds, notes or other evidences of indebtedness, except at the true value of such property, services, or other consideration than money, as found and determined by the commission and stated in said certificate.

Ch. 593, 1911.

Mortgage of bonds, notes, etc. SECTION 1753—10. Nothing in section 1753—9 contained, shall be construed to prohibit the commission from authorizing in such certificate the mortgage or pledge by any public service corporation of any bond, note, or other evidence of indebtedness issued by such corporation as security for or as part security for any bond, note, or other evidence of indebtedness issued by or loan made to such corporation which shall not be issued or made in violation of the provisions of this act, provided that the terms of said loan and of such notes, bonds, or other evidences of indebtedness shall provide that none of said pledged bonds, notes, or other evidences of indebtedness shall, upon non-payment of the notes, bonds, or other evidences of indebtedness which they are pledged to secure, or upon non-performance of any of the conditions thereof, be sold, or become the property of the holders of the notes, bonds, or other evidences of indebtedness so secured, either directly or through a trustee for their benefit, except at or through public sale, notice whereof shall be published once a week for not less than three successive weeks prior thereto, in at least one newspaper of general circulation printed in the English language and published in the place where such sale shall take place, and except at a sum not less than seventy-five per cent of the face value thereof, plus the discount, if any, paid or incurred by the corporation upon the notes, bonds, or other evidence of indebtedness which they are pledged to secure.

Ch. 593, 1911.

Reorganization required on forced sale; valuation to be made by commission. SECTION 1753—11. 1. Any person or association of persons, which shall have, or may hereafter become the owner or assignee of the rights, powers, privileges, and franchise of any public service corporation, created or organized by or under any law of this state, by purchase under

a mortgage sale, sale in bankrupt proceedings, or sale under any judgment, order, decree, or proceedings of any court in this state, including the courts of the United States sitting herein, must, within sixty days after such purchase or assignment, organize anew by filing articles of organization as provided by law respecting corporations for similar purposes, and thereupon shall have the rights, privileges, and franchises which such corporation had, or was entitled to have, at the time of such purchase and sale, and such as are provided by those statutes applicable thereto. The new organization may issue stock, certificates of stock and bonds for the property of the former corporation thus acquired, in an amount not to exceed the true value of such property, as found and determined by the commission, and stated in the certificate of authority issued to such corporation, in accordance with the provisions of subsections 5 and 6 of section 1753—9 of the statutes.

Consolidations; commission's valuation first required. 2. No public service corporation shall purchase, directly or indirectly, or in any way acquire the property of any other public service corporation or of any person furnishing service to the public, for the purpose of effecting a consolidation, except that the property of such corporation or person shall first be valued as provided in subsection 5 of section 1753—9 of the statutes, and then only at a sum not to exceed the value found and determined by the commission and stated in the certificate of authority issued to such corporation for the issuance of stocks, certificates of stock, bonds, notes, or other evidences of indebtedness.

Ch. 593, 1911.

Corporation to record certificate. SECTION 1753—12. No public service corporation shall issue any stocks, certificates of stock, bonds, notes or other evidences of indebtedness for money, property, or services, either directly or indirectly, until there shall have been recorded upon the books of such corporation the certificate of the commission herein provided for.

Ch. 593, 1911.

Disposition of proceeds; commission may require account for. SECTION 1753—13. The commission shall have the power to require public service corporations to account for the disposition of the proceeds of all sales of stocks, certificates of stock, bonds, notes, and other evidences of indebtedness, issued pursuant to this act, in such form and detail as it may deem advis-

able, and to do and perform any and all acts necessary to carry out the provisions of this act.

Ch. 593, 1911.

Bond, stock or scrip dividend prohibited. SECTION 1753—14. No public service corporation shall declare any stock, bond, or scrip dividend, or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

Ch. 593, 1911.

Appraisal of municipal franchises. SECTION 1753—15. In determining the value of the property of a public service corporation or any person furnishing service to the public for the purposes of this act, no franchise to be a corporation and no franchise or privilege granted to such corporation by the state or a municipality shall be appraised, fixed, or considered at any greater sum or value than the sum paid therefor into the public treasury of the state or the municipality granting the same.

Ch. 593, 1911.

Appeal. SECTION 1753—16. Any such public service corporation, if dissatisfied with any valuation made by the commission, or any order or certificate made or issued by it, may commence an action in the circuit court of Dane county against the commission, as defendant, to vacate and set aside such valuation, order, or certificate on the ground that the same is unreasonable or unlawful, in which action the complaint shall be served with the summons. Sections 1797—16 and 1797—17 of the statutes shall apply to all the rights of the parties to the proceeding in such action.

Ch. 593, 1911.

Corporation and agents; penalty for unlawful issues and applications. SECTION 1753—17. Any public service corporation as herein defined, or any agent, director, or officer thereof, who shall directly or indirectly, issue or cause to be issued, any stocks, certificates of stock, bonds, notes, or other evidences of indebtedness, contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, as herein provided, shall forfeit and pay into the state treasury not less than five hundred dollars nor more than ten thousand dollars for each offense.

Ch. 593, 1911.

Corporation officers; penalty for false statements and violations. SECTION 1753—18. Each and every director, president, secretary, or other official or agent of any such public service corporation, who shall make any false statement to secure the issue of any stock, certificates of stock, bond, note, or other evidence of indebtedness, or who shall by false statement knowingly made, procure of the commission the making of the certificate herein provided, or issue with knowledge of such fraud, negotiate, or cause to be negotiated any such bond or other issue, in violation of these statutes, shall be guilty of a felony and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the state prison for a term of not less than one nor more than ten years, or by both such fine and imprisonment in the discretion of the court.

Ch. 593, 1911.

To apply to all stocks, bonds, etc., not actually issued or delivered. SECTION 1753—19. All stocks, certificates of stock, bonds, notes, or other evidences of indebtedness issued or delivered by any public service corporation, after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had previous to the taking effect of this act, shall be void unless the certificate provided for by this act shall have been obtained from the commission prior to such issue or delivery. The burden of proof shall be upon any party claiming any exemption under this act.

Ch. 593, 1911.

Preferred stock. SECTION 1753—20. 1. Any public service corporation may provide for preferred stock in its original articles of organization, or by amendment thereto adopted by the affirmative vote of the holders of not less than two-thirds of the outstanding stock, and may in such articles, or by such amendment thereto adopted by the affirmative vote of the holders of two-thirds of the outstanding stock, provide for the increase of the amount of preferred stock theretofore authorized and provide for the payment of dividends on all preferred stock, whenever so authorized, out of the profits at a specified rate not to exceed eight per centum per annum, before dividends are paid upon the common stock; for the accumulation of such dividends; for a preference of such preferred stock, not, however, exceeding the par value thereof over the common

stock in the distribution of the corporate assets other than profits; for the redemption of such preferred stock at a sum not to exceed the face value thereof, and any accumulations and unpaid dividends, if said stock provides for the accumulation of dividends; and for denying or restricting the voting power of such preferred stock.

Stock not to bear interest; preferred stock privileges to be printed on certificates; amendment to articles. 2. Neither preferred nor common stock shall bear interest. Certificates of preferred stock and common stock shall state on the face thereof all privileges accorded to and all restrictions imposed on preferred stock. No change or amendment in relation to such preferred stock shall be made, except by way of amendment to the articles of organization, adopted by the affirmative vote of the holders of two thirds of all outstanding stock, both preferred and common, at a special meeting called therefor in accordance with the provisions of the articles of incorporation and the by laws of said company.

Ch. 593, 1911.

Fee to be paid for certificate. SECTION 1753—21. Before the issuance of the certificate in this act provided, authorizing any public service corporation to issue bonds, notes, or other evidences of indebtedness, for purposes properly chargeable to its capital account, such corporation shall pay the commission a fee of one dollar for each thousand dollars of the face value of the bonds, notes, or other evidences of indebtedness to be issued by virtue of such authority, provided that no fee shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging, or retiring any bonds, notes, or other evidences of indebtedness. Such fees when collected shall be paid into the common school fund income.

Ch. 593, 1911.

Application; issues heretofore authorized by commission exempt. SECTION 1753—22. The provisions of this act shall not apply to any stock, bonds, or other evidence of indebtedness heretofore authorized by the commission.

Ch. 593, 1911.

Conflicting acts repealed. SECTION 3. All acts or parts of acts conflicting with any provision of this act, excepting sec-

tion 1826 and subsection 10 of section 1828, and section 1833, are repealed in so far as they are inconsistent therewith.

Ch. 593; 1911.

* * *

Rights of public utilities to construct. SECTION 1778. 1. Any corporation formed under this chapter to build and operate telegraph or telephone lines or systems for the transmission of heat, power or electric light for public purposes, or to conduct the business of telegraphing, telephoning or transmitting heat, power or electric light for public purposes may, subject to all reasonable requirements and regulations made by any city or village through, across or adjoining which said line, lines or systems may be proposed to be constructed, construct and maintain any such lines or systems with all necessary appurtenances, from point to point, upon, in, along, across or beneath the surface of any public road, highway or bridge or any stream or body of water, or upon the land of any owner consenting thereto, and from time to time to extend the same at pleasure and for such purposes may also acquire lands, or any interests therein in the manner provided in this act; and may connect and operate its lines or system with the lines or systems of any person or corporation engaged in like business within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light for public purposes.

Not to obstruct highway. 2. But no such telegraph or telephone line, or heating, power or electric line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any road, highway, bridge, stream or body of water.

Abandonment of line. 3. Whenever the use of any such line shall be abandoned or discontinued the proper corporation shall forthwith take down, dig up and remove all wires, posts, pipes, conduits or other articles; and on failure for three months after such abandonment or discontinuance so to do any person owning land near, over, through or upon which such line shall pass, may take down, dig up or remove the same or any part thereof, for his own use.

Damages. 4. Any person, association or corporation owning or operating any telegraph, telephone or power transmission

line or heat system for public purposes doing business in this state shall be liable for all damages occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches, messages or the furnishing of power to its patrons for public purposes.

Damages for mental anguish. 5. Any person, association or corporation operating or owning any telegraph line doing business in the state of Wisconsin, shall also be liable for all damages for mental anguish resulting directly and proximately from or occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches or messages, not to exceed in amount the sum of five hundred dollars.

Injury to shade trees, etc. 6. Nothing contained in this act shall authorize or empower such telegraph, telephone, electric light, heat or power transmission company, or corporation to in any manner destroy, trim or otherwise injure any shade or ornamental trees along any such lines or systems or cause any damage to buildings, fences, crops, live stock or other property except by the consent of the owner, and any person or corporation violating any of the provisions of this section shall be liable to the person aggrieved in three times the actual damage sustained besides costs.

Franchise to be obtained. 7. No corporation to build and operate electric light system or systems for the transmission of steam or hot water for heat, shall have any right hereunder in any city or village until it has obtained a franchise from such city or village, as now provided by law.

Ch. 319, 1901; ch. 165, 1907.

Electric lines crossing railroads; condemnation. SECTION 1778a. 1. Condemnation proceedings may be instituted for the taking by such corporation mentioned in section 1778 of rights, easements, interests or ownership in any lands or over bridges and streams, and in land on or within public highways, roads, streets and alleys, over, upon or beneath which the line or system is or is to be constructed or located, either by the corporation or any person interested, in the land. They shall be commenced by petition to the circuit court or a circuit judge of the county in which the land lies.

Petition. 2. The petition may be signed and verified in the same manner as pleadings in the circuit court, and shall contain the following in substance: The land suitably described, highway, road, street or alley, along, underneath or over which the line or system is to be or has been constructed by running wires and cables upon poles overhead, or by wires, cables or pipes in underground conduits, tunnels, or ways, or otherwise; the terminus of the line or system on such property, if any, and on which side or part of the lands or highway the line or system is or will be located; if made by the corporation; that it intends in good faith to use such real estate, and it is required for its use; if made by another, that it is used or is designed by the corporation to be used, for telegraph, telephone purposes or for the transmission of power, heat or electric light for public purposes.

Ch. 662, 1907.

Electric line companies; condemnation; appraisal. SECTION 1778d. 1. The commissioners shall take an oath that they will support the constitution of the United States and of the state of Wisconsin, and faithfully discharge their duty as commissioners to the best of their ability. Upon request of the corporation or any person interested in the property described in the petition, and not otherwise, they shall proceed with the performance of their duties, and may adjourn the proceedings, but not more than twice nor more than sixty days in all as to any one case.

Notice. 2. They shall cause notice of the time and place of their meeting to consider the compensation to which the owner is entitled to be served personally on the owner or other person interested, or his agent, attorney or guardian ad litem, or by leaving the same at his residence, with a person of suitable age and discretion, at least ten days before such meeting. If such party be a non-resident, or his residence is unknown, and have no agent or attorney in the state known to the commissioners, the notice shall be served by publication, in such manner as the court or judge shall direct. Proof of the service of such notice, and the appearance of the parties, shall be filed in the clerk's office. No service of notice of any subsequent meeting, held pursuant to adjournment, shall be necessary.

Appraisal. 3. The commissioner or commissioners shall view such of the premises described in the petition as are described in such written request, and hear the allegations of the parties

and appraise, ascertain and determine the value of the lands and rights to be taken, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of such compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioner or commissioners shall include all damages for the erection, construction and maintenance of a telegraph, telephone, electric light, power or heat transmission line or system for public purposes over and along or beneath such lands, public highways, roads, streets or alleys, or over such bridges or streams or overhead or underground, including such additional wires, pipes or conduits as may from time to time be placed on said line or system and of replacing the poles, pipes, conduits or tunnels from time to time, as may be necessary.

Poles. 4. The commissioners may, in case of dispute, determine the places along said line in which the poles shall be set or pipes or conduits laid.

Same. 5. In no case, except where the owner consents thereto, shall poles be set in front of or upon any residence property, or in front of a building occupied for business purposes, unless the commission shall find that the same is necessary.

Location. 6. After the condemnation proceedings have been completed the court may still determine as to the necessity of the location, and as to whether such line or any pole or fixture thereof might be removed to some other point or place.

Report. 7. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after the last viewing any of the property so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such property, making separate reports in relation to the property of each district owner and setting forth the award made to each owner or owners thereof.

Compensation. 8. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the corporation taking any of the above enumerated lands, rights and easements.

Ch. 662, 1907.

Wires over railroad tracks. SECTION 1778a—1. It shall be unlawful for any person, firm or corporation to string any wire,

electric or other, over the tracks of any steam railroad company except in accordance with the provisions of this section. All such wires shall be suspended over a double cross arm attached to a pole at each side of the crossing. The poles shall not be less than six inches in diameter at the top, set not less than five feet in the ground, securely guyed, and, unless the railroad right of way is not of greater width, shall be set not more than one hundred feet apart at such crossings. All such wires shall be tied to insulators on pins set in the cross arms. The cross arms shall be attached to the poles by machine bolts and braced by at least one iron brace from each cross arm to the pole. All such wires shall be maintained not less than twenty-five feet above the surface of the rails at such crossing except the street railway trolley wires shall be maintained not less than twenty-two feet above the surface of the rails at such crossings.

Ch. 291, 1907.

Enforcement; penalties. SECTION 1778a—2. The railroad commission of Wisconsin is hereby vested with authority to enforce the provisions of this act, and any person, firm or corporation ordered by the commission to change its wires so as to comply with this act failing to comply with such order within ten days from the service thereof shall be liable for a penalty or a forfeiture of twenty-five dollars, and to a like penalty or forfeiture for every ten days during which it shall fail to comply with the order of the commission, unless a greater length of time to make such change shall be specified by the commission in said order, or upon cause shown. Any such penalty or forfeiture may be recovered in the manner provided by chapter 142 of the statutes for the collection of forfeitures.

Ch. 291, 1907.

* * *

PUBLIC UTILITIES LAW.

Sections 1797m—1 to 1797m—109.

Public Utilities Law; definition; public utility. SECTION 1797m—1. 1. The term "public utility" as used in this act shall mean and embrace every corporation, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, and every town, village, or city that now or hereafter may own, operate, manage, or control any plant or equipment or any part of a plant or equipment within the state, for the conveyance of telephone messages or

for the production, transmission, delivery, or furnishing of heat, light, water, or power either directly or indirectly to or for the public, *or that now or hereafter may own, operate, manage, or control any toll bridge wholly within the state.*

Ch. 499, 1907; ch. 48, 1911.

Municipal council. 2. The term “municipal council” as used in this act shall mean and embrace the common council, the board of aldermen, the board of trustees, the town or village board, or any other governing body of any town, village or city wherein the property of the public utility or any part thereof is located.

Municipality. 3. The term “municipality” as used in this act shall mean any town, village or city wherein property of a public utility or any part thereof is located.

Service. 4. The term “service” is used in this act in its broadest and most inclusive sense.

Indeterminate permit. 5. The term “indeterminate permit” as used in this act shall mean and embrace every grant, directly or indirectly from the state, to any corporation, company, individual, association of individuals, their lessees, trustees or receivers appointed by any court whatsoever, of power, right or privilege to own, operate, manage or control any plant or equipment or any part of the plant or equipment within this state for the production, transmission, delivery or furnishing of heat, light, water or power, either directly or indirectly, to or for the public, which shall continue in force until such time as the municipality shall exercise its option to purchase as provided in this act or until it shall be otherwise terminated according to law.

Commission. 6. The term “commission” as used in this act shall mean the railroad commission of Wisconsin.

Ch. 499, 1907.

Railroad commission's powers. SECTION 1797m—2. The railroad commission of Wisconsin is vested with power and jurisdiction to supervise and regulate every public utility in this state and to do all things necessary and convenient in the exercise of such power and jurisdiction.

Ch. 499, 1907.

Utility charges to be reasonable and just. SECTION 1797m—3. Every public utility is required to furnish reasonably

adequate service and facilities. The charge made by any public utility for any heat, light, water or power produced, transmitted, delivered or furnished or for any telephone message conveyed or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is prohibited and declared unlawful.

Ch. 499, 1907.

Facilities to be granted other utilities; physical connection between telephone lines; petition to commission. SECTION 1797m—4. 1. Every public utility, and every person, association or corporation having conduits, subways, poles or other equipment on, over or under any street or highway, shall for a reasonable compensation, permit the use of the same by any public utility, whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owner or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users, *and every utility for the conveyance of telephone messages shall permit a physical connection or connections to be made, and telephone service to be furnished, between any telephone system operated by it, and the telephone toll line operated by another such public utility, or between its toll line and the telephone system of another such public utility, or between its toll line and the toll line of another such public utility, or between its telephone system and the telephone system of another such public utility, whenever public convenience and necessity require such physical connection or connections, and such physical connection or connections will not result in irreparable injury to the owners or other users of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such public utilities. The term "physical connection," as used in this section, shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonably adequate telephone service between such public utilities.*

2. In case of failure to agree upon such use or the conditions or compensation for such use, or in case of failure to agree upon such physical connection or connections, or the terms and conditions upon which the same shall be made, any public utility or any person, association or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use or such physical connection or connections, and that * * *

such use or such physical connection or connections would not result in irreparable injury to the owner or other users of such equipment or of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such owner or such public utilities or other users of such equipment or facilities, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use, and that such physical connection or connections be made, and determine how and within what time such connection or connections shall be made, and by whom the expense of making and maintaining such connection or connections shall be paid.

3. Such use so ordered shall be permitted and such physical connection or connections so ordered shall be made, and such conditions and compensation so prescribed for such use and such terms and conditions, upon which such physical connection or connections shall be made, so determined, shall be the lawful conditions and compensation for such use, and the lawful terms and conditions upon which such physical connection or connections shall be made, to be observed, followed and paid, subject to recourse to the courts upon the complaint of any interested party, as provided in sections 1797m—64 to 1797m—73, inclusive, and such section so far as applicable shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

Ch. 499, 1907; ch. 546, 1911.

Utility property; valuation. SECTION 1797m—5. The commission shall value all the property of every public utility actually used and useful for the convenience of the public. In making such valuation the commission may avail itself of any information in possession of the state board of assessment.

Ch. 499, 1907.

Valuation: commission's hearing and report. SECTION 1797m—6. 1. Before final determination of such value the commission shall, after notice to the public utility, hold a public hearing as to such valuation in the manner prescribed for hearing in sections 1797m—45 to 1797m—55 inclusive, and the provisions of such sections so far as applicable shall apply to such hearing.

2. The commission shall within five days after such valuation is determined serve a statement thereof upon the public utility interested, and shall file a like statement with the clerk of every

municipality in which any part of the plant or equipment of such public utility is located.

Ch. 499, 1907.

Re-valuation. SECTION 1797m—7. The commission may at any time on its own initiative make a re-valuation of such property.

Ch. 499, 1907.

Uniform accounting by utilities; other business separate. SECTION 1797m—8. 1. Every public utility shall keep and render to the commission in the manner and form prescribed by the commission uniform accounts of all business transacted.

2 Every public utility engaged directly or indirectly in any other business than that of the production, transmission or furnishing of heat, light, water or power or the conveyance of telephone messages shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers and records of such other business.

Ch. 499, 1907.

Forms of book-keeping; prescription. SECTION 1797m—9. The commission shall prescribe the forms of all books, accounts, papers and records required to be kept, and every public utility is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers and records.

Ch. 499, 1907.

Blanks. SECTION 1797m—10. The commission shall cause to be prepared suitable blanks for carrying out the purposes of this act, and shall, when necessary, furnish such blanks to each public utility.

Ch. 499, 1907.

No other books. SECTION 1797m—11. No public utility shall keep any other books, accounts, papers or records of the business transacted than those prescribed or approved by the commission.

Ch. 499, 1907.

Office: records; removal from state. SECTION 1797m—12. Each public utility shall have an office in one of the towns, villages or cities in this state in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers and records as shall be required by the commission to be kept within the state. No books, accounts, papers or records required by the commission to be kept within the state shall be at any time removed from the state, except upon such conditions as may be prescribed by the commission.

Ch. 499, 1907.

Annual balance sheet; filing. SECTION 1797m—13. The account shall be closed annually on the 30th day of June and a balance sheet of that date promptly taken therefrom. On or before the first day of August following, such balance sheet together with such other information as the commission shall prescribe, verified by an officer of the public utility, shall be filed with the commission.

Ch. 499, 1907.

Audit and inspection. SECTION 1797m—14. 1. The commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission.

2. The agents, accountants or examiners employed by the commission shall have authority under the direction of the commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utilities.

Ch. 499, 1907.

Depreciation accounts; rates; funds; rules. SECTION 1797m—15. 1. Every public utility shall carry a proper and adequate depreciation account whenever the commission after investigation shall determine that such depreciation account can be reasonably required. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. The rates shall be such as will provide the amounts required over and above the expense of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary.

2. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect.

3. The commission shall provide for such depreciation in fixing the rates, tolls and charges to be paid by the public.

4. All moneys thus provided for shall be set aside out of the earnings and carried in a depreciation fund. The moneys in this fund may be expended in new constructions, extensions or additions to the property of such public utility, or invested, and if invested the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section and for depreciation.

Ch. 499, 1907.

New constructions; accounting. SECTION 1797m—16. The commission shall keep itself informed of all new construction, extensions and additions to the property of such public utilities and shall prescribe the necessary forms, regulations and instructions to the officers and employes of such public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

Ch. 499, 1907.

Profit-sharing and sliding scales; commission's approval. SECTION 1797m—17. 1. Nothing in this act shall be taken to prohibit a public utility from entering into any reasonable arrangement with its customers or consumers or with its employes, for the division or distribution of its surplus profits, or providing for a sliding scale of charges, or, other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this act. Such arrangement shall be under the supervision and regulation of the commission.

2. The commission shall ascertain, determine and order such rates, charges and regulations as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges and regulations as the commission may ascertain and determine to be necessary and reasonable and the right to revoke its approval and amend or rescind all orders relative thereto is reserved and vested in the

commission notwithstanding any such arrangement and mutual agreement.

Ch. 499, 1907.

Report by utilities; items. SECTION 1797m—18. Each public utility shall furnish to the commission in such form and at such times as the commission shall require, such accounts, reports and information as shall show in itemized detail: (1) the depreciation per unit, (2) the salaries and wages separately per unit, (3) legal expenses per unit, (4) taxes and rentals separately per unit, (5) the quantity and value of material used per unit, (6) the receipts from residuals, by-products, services or other sales separately per unit, (7) the total and net cost per unit, (8) the gross and net profit per unit, (9) the dividends and interest per unit, (10) surplus or reserve per unit, (11) the prices per unit paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing the unit of its product or service to the public.

Ch. 499, 1907.

Commission's reports, annual and other; values shown.

SECTION 1797m—19. 1. The commission shall publish annual reports showing its proceedings and showing in tabular form the details per unit as provided in section 1797m—18 for all the public utilities of each kind in the state, and such monthly or occasional report, as it may deem advisable.

2. The commission shall also publish in its annual reports the value of all the property actually used and useful for the convenience of the public and the value of the physical property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service or regulations and hearing has been held by the commission under section 1797m—45 and 1797m—46 or the value of whose property has been ascertained by it under section 1797m—5.

Ch. 499, 1907.

Commission's records public. SECTION 1797m—20. All facts and information in the possession of the commission shall be public and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in their possession shall be open to inspection by the public at all reasonable times except as provided in section 1797m—21.

Ch. 499, 1907.

Temporary secrecy. SECTION 1797m—21. 1. Whenever the commission shall determine it to be necessary in the interest of the public to withhold from the public any facts or information in its possession, such facts may be withheld for such period after the acquisition thereof not exceeding ninety days as the commission may determine.

2. No facts or information shall be withheld by the commission from the public for a longer period than ninety days nor be so withheld for any reason whatsoever other than in the interest of the public.

Ch. 499, 1907.

Units of product or service. SECTION 1797m—22. The commission shall ascertain and prescribe for each kind of public utility suitable and convenient standard commercial units of product or service. These shall be lawful units for the purposes of this act.

Ch. 499, 1907.

Standard measurements; accurate appliances. SECTION 1797m—23. 1. The commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.

2. It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

3. Nothing contained in this section shall limit in any manner any powers or authority vested in municipal corporations as provided in section 1797m—87.

Ch. 499, 1907.

Measuring instruments; testing; fees. SECTION 1797m—24. 1. The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility.

2. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission.

3. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user

at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

Ch. 499, 1907.

Public equipment for tests. SECTION 1797m—25. The commission may purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it may deem necessary.

Ch. 499, 1907.

Entry upon premises. SECTION 1797m—26. The commission, its agents, experts or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this act and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

Ch. 499, 1907.

Rate schedules; publicity. SECTION 1797m—27. Every public utility shall file with the commission within the time to fixed by the commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls and charges shown on such schedules shall not exceed the rates, tolls and charges in force April 1, 1907.

Ch. 499, 1907.

Rules and regulations; publicity. SECTION 1797m—28. Every public utility shall file with and as a part of such schedule all rules and regulations that in any manner effect the rates charged or to be charged for any service.

Ch. 499, 1907.

Files accessible to public. SECTION 1797m—29. A copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type, and kept on file in every station or office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and as can be conveniently inspected.

Ch. 499, 1907.

Joint rates; publicity. SECTION 1797m—30. 1. Where a schedule of joint rates or charge is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public, shall be filed in every such station or office as provided in section 1797m—29.

2. *Whenever two or more public utilities for the conveyance of telephone messages are engaged in furnishing joint telephone service to the public, or shall be required to furnish such service as provided in section 1797m—4, and shall refuse or neglect to establish joint toll or tolls, the commission may after notice and a public hearing, as provided in sections 1797m—44 and 1797m—45, fix and establish, by order, such joint toll or tolls, and if the public utilities party thereto shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, upon a like hearing, issue a supplemental order declaring the apportionment of such joint toll or tolls, and the same shall take effect of its own force as part of the original order.*

Ch. 499, 1907; ch. 546, 1911.

Changes of rates; ten days' notice. SECTION 1797m—31. No change shall thereafter be made in any schedule, including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

Ch. 499, 1907.

Revised schedules; publicity. SECTION 1797m—32. Copies of all new schedules shall be filed as hereinbefore provided in every station and office of such public utility where payments are made by consumers or users ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

Ch. 499, 1907.

Unlawful rates. SECTION 1797m—33. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the state or for any service in connection therewith than

is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedule. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this act.

Ch. 499, 1907.

Schedules; forms prescribed. SECTION 1797m—34. The commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

Ch. 499, 1907.

Classification of utility service. SECTION 1797m—35. The commission shall provide for a comprehensive classification of service for each public utility and such classification may take into account the quantity used, the time when used, the purpose for which used, and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

Ch. 499, 1907.

Commission's rules of procedure. SECTION 1797m—36. The commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits and investigations and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it. All hearings shall be open to the public.

Ch. 499, 1907.

Business management; inquiries. SECTION 1797m—37. The commission shall have authority to inquire into the management of the business of all public utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

Ch. 499, 1907.

Books subject to inspection. SECTION 1797m—38. 1. The commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records

and memoranda of any public utility and to examine, under oath, any officer, agent or employe of such public utility in relation to its business and affairs.

2. Any person other than one of said commissioners, who shall make such demand shall produce his authority to make such inspection.

Ch. 499, 1907.

Production of records and papers; judicial process. SECTION 1797m—39. 1. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the circuit court, the production within this state at such time and place as it may designate, of any books, accounts, papers, or records kept by said public utility in any office or place without the state of Wisconsin, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction.

2. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than fifty dollars nor more than five hundred dollars.

Ch. 499, 1907.

Commission's employees. SECTION 1797m—40. The commission is authorized to employ such engineers, examiners, experts, clerks, accountants and other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Ch. 499, 1907.

Agents; powers. SECTION 1797m—41. 1. For the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order.

2. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and the same powers as a court commissioner with regard to the taking of depositions; and all powers granted by law to a court commissioner relative to depositions are hereby granted to such agent.

3. The commission may conduct any number of such investigations contemporaneously through different agents and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission

shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so order nor further investigation.

Ch. 499, 1907.

Utilities to comply with commission's request. SECTION 1797m--42. 1. Every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the commission.

2. Any public utility receiving from the commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the commission at its office within the period fixed by the commission.

3. Whenever required by the commission, every public utility shall deliver to the commission, any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

Ch. 499, 1907.

Complaint by consumers. SECTION 1797m--43. Upon a complaint made against any public utility by any mercantile, agricultural or manufacturing society or by any body politic or municipal organization or by any twenty-five persons, firms, corporations or associations, that any of the rates, tolls, charges or schedules or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act whatsoever affecting or relating to the production, transmission, delivery or furnishing of heat, light or water or power or any service in connection therewith or the conveyance of any telephone message or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges,

schedules, regulations, measurements, practice or act complained of shall be entered by the commission without a formal public hearing.

Ch. 499, 1907.

Hearing. SECTION 1797m—44. The commission shall, prior to such formal hearing, notify the public utility complained of that a complaint has been made, and ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

Ch. 499, 1907.

Notice of hearing. SECTION 1797m—45. The commission shall give the public utility and the complainant, if any, ten days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

Ch. 499, 1907.

Commission to fix rates and regulations. SECTION 1797m—46. 1. If upon such investigation the rates, tolls, charges, schedules or joint rates, shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If upon such investigation it shall be found that any regulation, measurement, practice, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act, or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have power to substitute therefor such other regulations, measurements, practices, service or acts and to make such order respecting, and such changes in such regulations, measurements, practices, service or acts as shall be just and reasonable.

Ch. 499, 1907.

Costs of investigation. SECTION 1797m—47. If upon such investigation it shall be found that any rate, toll, charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or

unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act, or that any regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential or otherwise in violation of any of the provisions of this act, or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

Ch. 499, 1907.

Separate rate hearings; absence of direct damage. SECTION 1897m—48. The commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Ch. 499, 1907.

Summary investigations. SECTION 1797m—49. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion, summarily investigate the same with or without notice.

Ch. 499, 1907.

Formal hearings. SECTION 1797m—50. If, after making such investigation, the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

Ch. 499, 1907.

Notices; procedure. SECTION 1797m—51. Notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary as provided in section 1797m—45, and thereafter proceeding shall be had and conducted in reference to the matter investigated in like manner as though complaint

had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

Ch. 499, 1907.

Utilities may complain. SECTION 1797m—52. Any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by any mercantile, agricultural or manufacturing society, body politic or municipal organization or by any twenty-five persons, firms, corporations or associations.

Ch. 499, 1907.

Witness; evidence; proceedings for contempt. SECTION 1797m—53. 1. Each of the commissioners and every agent provided for in section 1797m—41 of this act for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

2. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner or any subpoena or, on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission or its agent authorized as provided in section 1797m—41, it shall be the duty of the circuit court of any county or the judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Ch. 499, 1907.

Witness fees and mileage. SECTION 1797m—54. 1. Each witness who shall appear before the commission or its agent by its order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission.

2. No witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the

state for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

Ch. 499, 1907.

Depositions. SECTION 1797m—55. The commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

Ch. 499, 1907.

Stenographic records. SECTION 1797m—56. A full and complete record shall be kept of all proceedings had before the commission or its agent on any formal investigation had and all testimony shall be taken down by the stenographer appointed by the commission.

Ch. 499, 1907.

Transcript of testimony; filing. SECTION 1797m—57. Whenever any complaint is served upon the commission under the provisions of section 1797m—64 of this act, the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the circuit court of the county where the action is pending.

Ch. 499, 1907.

Admissibility of evidence. SECTION 1797m—58. A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in longhand of all testimony on the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified.

Ch. 499, 1907.

Free transcripts for parties. SECTION 1797m—59. A copy of such transcript shall be furnished on demand free of cost to any party to such investigations.

Ch. 499, 1907.

Commission to determine rates and regulations; costs; orders, service and effect. SECTION 1797m—60. 1. Whenever, upon an investigation made under the provisions of this act, the commission shall find any existing rates, tolls, charges, schedules or joint rate or rates to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act.

2. Whenever, upon an investigation made under the provisions of this act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act; or shall find that any service is inadequate or that any service which can be reasonably demanded cannot be obtained, the commission shall determine and declare and by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory, inadequate or otherwise in violation of this act as the case may be, and shall make such other order respecting such measurement, regulation, act, practice or service as shall be just and reasonable.

3. Whenever, upon an investigation made under the provisions of this act, the commission shall find that any rate, toll, charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act, or that any measurement, regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act, or it shall find that any service is inadequate or that any service which can reasonably be demanded cannot be obtained, the commission shall ascertain and declare and by order fix the expenses incurred by the commission upon such investigation and shall by such order direct such public utility to pay the state treasurer within twenty days thereafter such expenses so incurred.

4. The commission shall cause a certified copy of all such orders to be delivered to an officer or agent of the public utility affected thereby, and all such orders shall of their own force take effect and become operative twenty days after service thereof, unless a different time be provided by said order.

Ch. 499, 1907.

Utilities to conform. SECTION 1797m—61. All public utilities to which the order applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no changes shall thereafter be made by any public utility in any such rates, tolls or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such time thereafter as the commission shall prescribe.

Ch. 499, 1907.

Commission may change orders. SECTION 1797m—62. The commission may at any time, upon notice to the public utility and after opportunity to be heard as provided in section 1797m—45, rescind, alter or amend any order fixing any rate or rates, tolls, charges or schedules, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Ch. 499, 1907.

Findings prima facie lawful and reasonable. SECTION 1797m—63. All rates, tolls, charges, schedules and joint rates fixed by the commission shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 1797m—64.

Ch. 499, 1907.

Action to set aside; precedence on calendar. SECTION 1797m—64. 1. Any public utility and any person or corporation in interest being dissatisfied with any order of the commission fixing any rate or rates, tolls, charges, schedules, joint rate or rates or any order fixing any regulations, practices, act or service may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls,

charges, schedules, joint rate or rates, fixed in such order is unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable, in which action the complaint shall be served with the summons.

2. The answer of the commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

3. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

Ch. 499, 1907.

Appeals and actions to set aside; limitation ninety days. SECTION 1797m—65. Every proceeding, action or suit to set aside, vacate or amend any determination or order of the commission or to enjoin the enforcement thereof or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such ninety days after such entry or rendition thereof.

Ch. 499, 1907.

Injunctions issuing. SECTION 1797m—66. No injunction shall issue suspending or staying any order of the commission, except upon application to the circuit court or presiding judge thereof, notice to the commission, and hearing.

Ch. 499, 1907.

New evidence upon trial; transmission to commission; stay of proceedings. SECTION 1797m—67. 1. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court before proceeding to render judgment unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for fifteen days from the date of such transmission.

Reconsideration by commission. 2. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

Ch. 499, 1907.

Supplemental findings; procedure by court. SECTION 1797m—68. 1. If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the commission in the first instance.

2. If the original order shall not be rescinded or changed by the commission judgment shall be rendered upon such original order.

Ch. 499, 1907.

Appeal to supreme court. SECTION 1797m—69. Either party to said action, within sixty days after service of a copy of the order or judgment of the circuit court, may appeal to the supreme court. Where an appeal is taken the cause shall, on the return of the papers to the supreme court, be immediately placed on the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

Ch. 499, 1907.

Burden of proof. SECTION 1797m—70. In all trials, actions and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of said commission to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful as the case may be.

Ch. 499, 1907.

Court procedure and officers. SECTION 1797m—71. In all actions and proceedings in court arising under this act all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein pro-

vided. Every sheriff or other officer empowered to execute civil processes shall execute any process issued under the provisions of this act and shall receive such compensation therefor as may be prescribed by law for similar services.

Ch. 499, 1907.

Incriminating evidence. SECTION 1797m—72. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based upon or growing out of any violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transmission, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Ch. 499, 1907.

Distribution of orders. SECTION 1797m—73. Upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

Ch. 499, 1907.

***Competition of utilities; indeterminate permits.** SECTION 1797m—74. 1. No license, permit or franchise shall be granted to any person, copartnership or corporation to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality, where there is in operation under an indeterminate permit, as provided in this act, a public utility engaged in similar service, *and no telephone exchange for furnishing local service to subscribers within any village or city shall be installed in such village or city by any public utility, other than*

*Ch. 14, 1911. SECTION 1. All licenses, permits and franchises to own, operate, manage, or control any plant or equipment for the production, transmission, delivery, or furnishing of heat, light, water, or power in any municipality, heretofore granted or attempted to be granted to any public utility by or by virtue of any ordinance pending or under consideration in the municipal council of any municipality at the time of the obtaining of an indeterminate permit by any other public utility operating therein, are hereby validated and confirmed and shall not be affected by the provisions of subsection 1 of section 1797m—74 of the statutes.

those already furnishing such telephone service therein, where there is in operation in such village or city a public utility engaged in similar service, without first securing from the commission a declaration after a public hearing of all parties interested, that public convenience and necessity require such second public utility. This subsection shall not prevent or impose any condition upon the extension of any telephone line from any town into or through any city or village for the purpose of connecting with any telephone exchange in such city or village or connecting with any other telephone line or system. Any public utility operating any telephone exchange in any city or village shall, on demand, extend its lines to the limits of such city or village for the purposes mentioned and subject to the conditions and requirements prescribed in sections 1797m—4 and 1797m—30:

Ch. 499, 1907; ch. 546, 1911.

2. Any existing permit, license or franchise which shall contain any term whatsoever interfering with the existence of such second public utility is hereby amended in such a manner as to permit such municipality to grant an indeterminate permit for the operation of such second public utility pursuant to the provisions of this act.

Ch. 499, 1907.

3. No municipality shall hereafter construct any such plant or equipment where there is in operation under an indeterminate permit as provided in this act, in such municipality a public utility engaged in similar service, without first securing from the commission a declaration, after a public hearing of all parties interested, that public convenience and necessity require such municipal public utility. But nothing in this section shall be construed as preventing a municipality acquiring any existing plant by purchase or by condemnation as hereinafter provided.

Ch. 499, 1907.

4. Nothing in this section shall be construed so as to prevent the granting of an indeterminate permit or the construction of a municipal plant where the existing public utility is operating without an indeterminate permit as provided in this act.

Ch. 499, 1907.

Foreign utilities excluded. SECTION 1797m—75. No license permit or franchise to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power shall be hereafter

granted, or transferred except to a corporation duly organized under the laws of the state of Wisconsin.

Ch. 499, 1907.

Grants hereafter to be indeterminate; municipal acquisition.
SECTION 1797m—76. Every license, permit or franchise hereafter granted to any public utility shall have the effect of an indeterminate permit subject to the provisions of this act, and subject to the provision that the municipality in which the major part of its property is situate may purchase the property of such public utility actually used and useful for the convenience of the public at any time as provided herein paying therefor just compensation to be determined by the commission and according to the terms and conditions fixed by said commission. Any such municipality is authorized to purchase such property and every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission as herein provided.

Ch. 499, 1907.

*** Indeterminate permit.** SECTION 1797m—77. *Every license permit, or franchise granted prior to July 11, 1907, by the state or by the common council, the board of aldermen, the board of trustees, the town or village board, or any other governing body of any town, village, or city, to any corporation, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, authorizing and empowering such grantee or grantees to own, operate, manage, or control any plant or equipment, or any part of a plant or equipment within this state, for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly, to or for the public, is so altered and amended as to constitute and to*

***Ch. 217, 1911, SECTION 1.** No franchise heretofore surrendered by any corporation of this state in the manner and within the time provided by section 1797m—77, and no indeterminate permit based thereon, shall be declared invalid by reason of any defect, irregularity, or invalidity in such franchise whatsoever, provided that such franchises shall not have been obtained by fraud, bribery, or corrupt practices; that when such franchise was granted no officer of the municipality granting the same was directly or indirectly interested in such franchise or in the corporation obtaining same; and that the corporation having the same shall have prior to the surrendering of said franchise in good faith purchased or constructed any street or interurban railway, water works, gas or electric light plant, or other public utility or any part thereof by such franchise authorized; and subject to the foregoing exceptions, every such franchise and permit is hereby legalized and confirmed.

be an "indeterminate permit" within the terms and meaning of sections 1797m—1, to 1797m—108, inclusive, of the statutes of 1898, and subject to all the terms, provisions, conditions, and limitations of said sections 1797m—1 to 1797m—108, inclusive, and shall have the same force and effect as a license, permit, or franchise granted after July 11, 1907, to any public utility embraced in and subject to the provisions of said sections 1797m—1 to 1797m—108, inclusive, except as provided by section 1797m—80.

Ch. 499, 1907; ch. 180, 1909; ch. 596, 1911.

Future grants; acceptance; implied consent and waiver.
SECTION 1797m—78. Any public utility accepting or operating under any license, permit or franchise hereafter granted shall, by acceptance of any such indeterminate permit be deemed to have consented to a future purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of it is situate for the compensation and under the terms and conditions determined by the commission, and shall thereby be deemed to have waived the right of requiring the necessity of such taking to be established by the verdict of a jury, and to have waived all other remedies and rights relative to condemnation, except such rights and remedies as are provided in this act.

Ch. 499, 1907.

Municipalities; powers; acquiring and operating plants.
SECTION 1797m—79. 1. Any municipality shall have the power, subject to the provisions of this act, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power.

2. Any municipality shall have the power, subject to the provisions of this act, to purchase by an agreement with any public utility any part of any plant, provided, that such purchase and the terms thereof shall be approved by the commission after a hearing as provided in sections 1797m—81 and 1797m—82.

3. Any municipality shall have the power, subject to the provisions of this act to acquire by condemnation the property of any public utility actually used and useful for the convenience of the public then operating under a license, permit or franchise existing at the time this act takes effect, or operating in such municipality without any permit or franchise.

4. Any municipality shall have the power, subject to the provisions of this act, to acquire by purchase as provided in this

act, the property of any public utility actually used and useful for the convenience of the public operating under any indeterminate permit as provided herein.

Ch. 499, 1907.

*** Existing plants; action by municipalities to acquire.** SECTION 1797m—80. If the municipality shall have determined to acquire an existing plant then operated under * * * *an indeterminate permit provided in section 1797m—77*, by a vote of a majority of the electors voting thereon at any general, municipal, or special election at which the question of the purchase of such plant shall have been submitted, such municipality shall bring an action in the circuit court against the public utility as defendant praying the court for an adjudication as to the necessity of such taking by the municipality, in which action the complaint shall be served with the summons. The public utility shall serve and file its answer to such complaint within ten days after the service thereof, whereupon such action shall be at issue and stand ready for trial upon ten days' notice by either party. Unless the parties thereto waive a jury, the question as to the necessity of the taking of such property by the municipality shall be as speedily as possible submitted to a jury.

. Ch. 499, 1907; ch. 213, 1909; ch. 596, 1911.

Indeterminate permit; notice. SECTION 1797m—81. If the municipality shall have determined to acquire an existing plant in the manner provided in the preceding section, and the public utility owning such plant shall have consented to the taking over of such plant by the municipality by acceptance of an indeterminate permit as provided herein, or, in case such public utility shall not have waived or consented to such taking, if the jury shall have found that a necessity exists for the taking of such plant, then the municipality shall give speedy notice of

* Ch. 12, 1911. SECTION 1. Whenever the railroad commission has under the provisions of sections 1797m—80 to 1797m—86 of the statutes, fixed, determined, and certified just compensation to be paid for the taking of the property of a public utility by the municipality, and has proceeded as provided by law in all particulars except that such fixing, determination, and certification have not been completed within the time provided for by such sections, the just compensation fixed, determined, and certified by such railroad commission shall nevertheless be deemed to be the just compensation that shall be paid by such municipality to the public utility for the acquisition of such property, and such fixing, determination, and certification shall have the same force and effect as though they had been done and completed within the time provided for by law.

such determination and of such consent or such verdict of a jury to the public utility and to the commission.

Ch. 499, 1907; ch. 213, 1909.

Compensation to be determined by commission; notice.

SECTION 1797m—82. The commission shall thereupon *proceed to set a time and place for a public hearing upon the matters of the just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public, and of all other terms and conditions of the purchase, and sale, and shall give to the municipality and the public utility interested, not less than thirty days notice of the time and place when and where such hearing will be held, and such matters considered and determined, and shall give like notice to all bondholders, mortgagees, lienors, and all other persons having or claiming to have any interest in such public utility, by publication of such notice once a week for not less than three successive weeks in at least one newspaper of general circulation printed in the English language and published in the county in which such public utility is located, which publication shall be caused to be made by the municipality. Within a reasonable time, not exceeding one year, after the time fixed for such hearing in such notice, the commission shall, by order, fix and determine and certify to the municipal council, to the public utility and to any bondholder, mortgagee, lienor or other creditor appearing upon such hearing, just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public and all other terms and all conditions of sale and purchase which it shall ascertain to be reasonable. The compensation and other terms and the conditions of sale and purchase thus certified by the commission shall constitute the compensation and terms and conditions to be paid, followed, and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality the exclusive use of the property taken shall vest in such municipality.*

Ch. 499, 1907; ch. 662, 1911.

Appeal. SECTION 1797m—83. Any public utility or the municipality *or any bondholder, mortgagee, lienor or other creditor of the public utility*, being dissatisfied with such order, may commence and prosecute an action in the circuit court to alter or amend such order or any part thereof, as provided in sections 1797m—64 to 1797m—73 inclusive, and said sections so far as applicable shall apply to such action.

Ch. 499, 1907; ch. 662, 1911.

If decision affirmed. SECTION 1797m—84. If the plaintiff shall not establish to the full satisfaction of the court that the compensation fixed and determined in such order is unlawful or that some of the terms or conditions fixed and determined therein are in some particulars unreasonable, the compensation, terms and conditions fixed in said order shall be the compensation, terms and conditions to be paid, followed and observed in the purchase of said plant from such public utility.

Ch. 499, 1907.

If decision for utility. SECTION 1797m—85. If the plaintiff shall establish to the full satisfaction of the court and the court shall adjudge that such compensation is unlawful or that some of such terms or conditions are unreasonable, the court shall remand the same to the commission with such findings of fact and conclusions of law as shall set forth in detail the reasons for such judgment and the specific particulars in which such order of the commission is adjudged to be unreasonable or unlawful.

Ch. 499, 1907.

Reconsideration of compensation. SECTION 1797m—86.
1. If the compensation fixed by the previous order of the commission be adjudged to be unlawful, the commission shall forthwith proceed to set a re-hearing for the re-determination of such compensation as in the first instance.

2. The commission shall forthwith otherwise alter and amend such previous order with or without a re-hearing as it may deem necessary so that the same shall be reasonable and lawful in every particular.

Ch. 499, 1907.

Power of councils to regulate utilities; appeal. SECTION 1797m—87. Every municipal council shall have power: (1.) To determine by contract, ordinance or otherwise the quality and character of each kind of product or service to be furnished or rendered by any public utility furnishing any product or service within said municipality and all other terms and conditions not inconsistent with this act upon which such public utility may be permitted to occupy the streets, highways or other public property within such municipality and such contract, ordinance or other determination of such municipality shall be in force and prima facie reasonable. Upon complaint made by such public utility or by any qualified complainant as provided in section 1797m—43, the commission shall set a hearing as pro-

vided in sections 1797m—45 and 1797m—46 and if it shall find such contract, ordinance or other determination to be unreasonable, such contract, ordinance or other determination shall be void.

(2.) To require of any public utility by ordinance or otherwise such additions and extensions to its physical plant within said municipality as shall be reasonable and necessary in the interest of the public, and to designate the location and nature of all such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed subject to review by the commission as provided in subdivision 1 of this section.

(3.) To provide for a penalty for non-compliance with the provisions of any ordinance or resolution adopted pursuant to the provisions hereof.

(4.) The power and authority granted in this section shall exist and be vested in said municipalities anything in this act to the contrary notwithstanding.

Ch. 499, 1907.

Franks and privileges to political committees and candidates; penalty. SECTION 1797m—88. (1.) No public utility or any agent or officer thereof, or any agent or officer of any municipality constituting a public utility as defined in this act shall offer or give for any purpose to any political committee or any member or employe thereof, to any candidate for or incumbent of, any office or position under the constitution or laws or under any ordinance of any municipality of this state, or to any person at the request, or for the advantage of all or any of them, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by any public utility, or the conveyance of any telephone message or communication or any free product or service whatsoever.

(2.) No political committee and no member or employe thereof, no candidate for and no incumbent of any office or position under the constitution or laws or under any ordinance of any town or municipality of this state, shall ask for or accept from any public utility or any agent or officer thereof, or any agent or officer of any municipality constituting a public utility as defined in this act, or use in any manner or for any purpose any frank or privilege withheld from any person, for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished

or rendered by any public utility, or the conveyance of any telephone message or communication.

(3.) Any violation of any of the provisions of this section shall be punished by imprisonment in the state prison not more than five years nor less than one year or by fine not exceeding one thousand dollars nor less than two hundred dollars.

Ch. 499, 1907.

Unjust discrimination; definition and penalty. SECTION 1797m—89. 1. If any public utility or any agent or officer thereof, or an officer of any municipality constituting a public utility as defined in this act shall, directly or indirectly, by any device whatsoever or otherwise, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages or for any service in connection therewith than that prescribed in the published schedules or tariffs then in force or establish as provided herein, or than it charges, demands, collects or receives from any other person, firm or corporation for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared to be unlawful, and upon conviction thereof shall forfeit and pay into the state treasury not less than one hundred dollars nor more than one thousand dollars for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

Ch. 499, 1907.

Facilities in exchange for less compensation, prohibited; exceptions. SECTION 1797m—90. It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm or corporation of any part of the facilities incident thereto; provided nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages and paying a reasonable rental therefor, or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any

consumer or user, except telephone station equipment upon the subscribers' premises, and unless otherwise ordered by the commission meters and appliances for measurements of any product or service.

Ch. 499, 1907; ch. 213, 1909.

Discriminations; undue preference; penalty. SECTION 1797m—91. If any public utility make or give any undue or unreasonable preference or advantage to any particular person, firm or corporation or shall subject any particular person, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful.

Exceptions. The furnishing by any public utility, of any product or service at the rates and upon the terms and conditions provided for in any existing contract executed prior to April 1, 1907, shall not constitute a discrimination within the meaning specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Ch. 499, 1907.

Rebates, concessions and discriminations; penalty. SECTION 1797m—92. It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, concession or discrimination in respect to any service in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telephone messages within this state, or for any service in connection therewith whereby any such service shall, by any device whatsoever, or otherwise, be rendered free or at a less rate than that named in the published schedules and tariffs in force as provided herein, or whereby any service or advantage is received other than is herein specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Ch. 499, 1907.

Utilities, liability for damages. SECTION 1797m—93. If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation; provided, that any recovery as in this section provided, shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

Ch. 499, 1907.

Information, papers and accounting; delinquency penal. SECTION 1797m—94. Any officer, agent or employe of any public utility or of any municipality constituting a public utility as defined in this act who shall fail or refuse to fill out and return any blanks as required by this act, or shall fail or refuse to answer any question therein propounded, or shall knowingly or wilfully give a false answer to any such question or shall evade the answer to any such question where the fact inquired of is within his knowledge or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control or who shall fail to properly use and keep his system of accounting or any part thereof as prescribed by the commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars for each offense.

(2.) And a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or employe acted in obedience to the direction, instruction or request of such public utility or any general officer thereof.

Ch. 499, 1907.

Violations in general, penalty; utility responsible for agents. SECTION 1797m—95. 1. If any public utility shall violate any provision of this act, or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect or

refuse to obey any lawful requirement or order made by the commission or the municipal council or any judgment or decree made by any court upon its application, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than one hundred dollars nor more than one thousand dollars for each offense.

2. In construing and enforcing the provisions of this section the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

Ch. 499, 1907.

Municipal officers: delinquency, penalty. SECTION 1797m—96. If any officer of any town, village or city constituting a public utility as defined in this act shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit, fail, neglect or refuse to do any act, matter or thing required by this act of such officer to be done, or shall omit, fail, neglect or refuse to perform any duty enjoined upon him and relating directly or indirectly to the enforcement of this act, or shall omit, fail, neglect or refuse to obey any lawful requirement or order made by the commission or any judgment or decree made by the court upon its application, for every such violation, failure or refusal such officer shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Ch. 499, 1907.

Interference with commission's equipment; penalty. SECTION 1797m—97. 1. Any person who shall destroy, injure or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agent shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding one hundred dollars or imprisonment for a period not exceeding thirty days or both.

2. Any public utility permitting the destruction, injury to, or interference with, any such apparatus or appliance, shall forfeit a sum not exceeding one thousand dollars for each offense.

Ch. 499, 1907.

What constitutes a separate and distinct violation. SECTION 1797m—98. Every day during which any public utility or any officer, agent or employe thereof shall fail to observe and com-

ply with any order or direction of the commission or to perform any duty enjoined by this act shall constitute a separate and distinct violation of such order or direction or of this act as the case may be.

Ch. 499, 1907.

Temporary alteration or suspension of rates. SECTION 1797m—99. 1. The commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the people or any public utility of this state in case of any emergency to be judged of by the commission, to temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules and order relating to or affecting any public utility or part of any public utility in this state.

2. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

Ch. 499, 1907.

Permanent rate regulation. SECTION 1797m—100. Whenever, after hearing and investigation as provided in this act, the commission shall find that any rate, toll, charge, regulation or practice for, in, or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of any telephone message or any service in connection therewith not hereinbefore specifically designated, is unreasonable or unjustly discriminatory, it shall have the power to regulate the same as provided in section 1797m—43 to 1797m—51 and 1797m—60 to 1797m—62, inclusive.

Ch. 499, 1907.

Accidents resulting in death: utility to report; investigation. SECTION 1797m—101. 1. Every public utility shall, whenever an accident attended with loss of human life occurs within this state upon its premises or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission.

2. In the event of any such accident the commission, if it deem public interest require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for greater convenience of those concerned it shall order such investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The

commission shall seasonably notify the public utility of the time and place of the investigation.

Ch. 499, 1907.

Enforcement, aid; attorney general's duty; prosecutions; court jurisdiction. SECTION 1797m—102. 1. The commission shall inquire into any neglect or violation of the laws of this state by any public utility doing business therein, or by the officers, agents or employes thereof or by any person operating the plant of any public utility, and shall have the power and it shall be its duty to enforce the provisions of this act as well as all other laws relating to public utilities, and to report all violations thereof to the attorney general.

2. Upon the request of the commission it shall be the duty of the attorney general or the district attorney of the proper county to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this act and of all other laws of this state relating to public utilities and for the punishment of all violations thereof.

3. Any forfeiture or penalty herein provided shall be recovered and suit therein shall be brought in the name of the state of Wisconsin in the circuit court for Dane County. Complaint for the collection of any such forfeiture may be made by the commission or any member thereof, and when so made the action so commenced shall be prosecuted by the attorney general.

4. The commission shall have authority to employ counsel in any proceeding, investigation, hearing or trial.

Ch. 499, 1907.

Commission's acts: technical omissions. SECTION 1797m—103. A substantial compliance with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Ch. 499, 1907.

Other rights of action; penalties cumulative. SECTION 1797m—104. This act shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise, under any law of this state; and all penalties and forfeitures accruing under this act shall be cumulative and

a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

Ch. 499, 1907.

Rates of April, 1907, to govern; reports; proceedings to change. SECTION 1797m—105. 1. Unless the commission shall otherwise order, it shall be unlawful for any public utility within this state to demand, collect or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service on the first day of April, 1907.

2. Every public utility in this state shall, within thirty days after the passage and publication of this act, file in the office of the commission, copies of all schedules of rates and charges including joint rates, in force on the first day of April, 1907, and all rates in force at any time subsequent to said date.

3. Any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing stating the advance in or discontinuation of the rate or rates desired, giving the reasons for such advance or discontinuation.

4. Upon receiving such application the commission shall fix a time and place for hearing and give such notice to interested parties as it shall deem proper and reasonable. If, after such hearing and investigation, the commission shall find that the change or discontinuation applied for is reasonable, fair and just, it shall grant the application either in whole or in part.

5. Any public utility being dissatisfied with any order of the commission made under the provisions of this section may commence an action against it in the circuit court in the manner provided in sections 1797m—64 to 1797m—73, inclusive, of this act, which action shall be tried and determined in the same manner as is provided in said sections.

Ch. 499, 1907.

Employees of commission. SECTION 1797m—106. The employment of agents, experts, engineers, accountants, examiners or assistants by the commission as provided in this act, and the payment of their compensation and traveling and other expenses, shall be under the provisions of section 1, chapter 362, of the laws of 1905, and acts amendatory thereof.

Appropriation. SECTION 1797m—107. A sum sufficient to carry out the provisions of this act is appropriated out of any money in the state treasury not otherwise appropriated.

Ch. 499, 1907; ch. 450, 1909.

Conflicting laws repealed. SECTION 1797m—108. All acts and parts of acts conflicting with the provisions of this act are repealed in so far as they are inconsistent herewith.

Ch. 499, 1907.

***Repeal.** SECTION 925—97a, statutes of 1898, chapter 389, laws of 1905, and chapter 459, laws of 1905, are repealed.

Ch. 499, 1907.

*Not included in section.

Railroad commission: notices; certification. SECTION 1797m—109. Whenever the Railroad Commission of Wisconsin is required to issue notices of investigations, notices of hearing or to certify to copies of the records of the Commission, such notices of certification may be issued by any member of the Commission or by the Secretary of the Commission.

All acts or parts of acts conflicting with any provisions of this act are repealed insofar as they are inconsistent therewith.

Ch. 248, 1909.

INDEX

A.		Section	Page
Abandoned Poles, Wires, etc., To be removed.....	1778—3		51
Accidents, Loss of Life			
Commission may investigate.....	1797m—101—2		89
Reported to commission.....	1797m—101—1		89
Accounts, Books, Records of Utility			
Closed June 30.....	1797m—13		60
Construction, regulated by commission.....	1797m—16		61
Examination and audit of provided for.....	1797m—14—1		60
Forms of, prescribed by commission.....	1797m—9		59
Inspection of, prescribed by commission.....	1797m—14—2		60
Inspection of, by commission or agents of....	1797m—38—1		66
Kept in office of utility.....	1797m—12		60
Kept outside of state to be produced.....	1797m—39—1		67
None except prescribed by commission.....	1797m—11		59
Not to be removed from state.....	1797m—12		60
Reports per unit.....	1797m—18		62
Uniform	1797m—8—1		59
Action against Commission, Taken within 90 days..	1797m—65		75
Action to Vacate Order on Valuation, Stock and Bond			
Law	1753—16		48
Agents			
Appointed by commission, powers of.....	1797m—41—2		67
Appointment of by commission.....	1797m—41—1		67
Of commission, authority of to be produced..	1797m—38—2		67
Annual and Other Reports of Commission.....	1797m—19—1		62
Answer of Commission on Appeal.....	1797m—64—2		75
Apparatus, purchase of by commission.....	1797m—25		64
Appeal from Order of Commission			
Amended order substituted on.....	1797m—68—1		76
Answer of commission on.....	1797m—64—2		75
Application for franchise for water power			
rights	1596—15—18	17—18	
Application for increased rates.....	1797m—105—5		91
Complaint served on commission in.....	1797m—64—1		74
Dismissed on rescission of order by commis-			
sion	1797m—68—1		76
In case of new evidence, commission may modify			
order on	1797m—67—2		76
On joint use of equipment.....	1797m—4—3		58
On rates and service.....	1797m—64—1		74
On valuation on purchase of utility by munici-			
pality	1797m—83		82
New evidence developed to be submitted to com-			
mission	1797m—67—1		75

	Section	Page
Appeal from Order of Commission—Continued		
Precedence of, in court.....	1797m—64—3	75
Transcript of record filed.....	1797m—57	72
To circuit court, taken within 90 days.....	1797m—65	75
To supreme court.....	1797m—69	76
Valuation, Stock and Bond Law.....	1753—16	48
Appeal from Order of Municipal Council Relating to		
Service	1797m—87—1	83
Application to Increase Rates.....	1797m—105—3	91
Appropriation, for Public Utility Law.....	1797m—107	91
Appropriation for Water Power Law.....	1596—76	39
Attorney General to		
Assist in investigation and to prosecute ac-		
tions	1797m—102—2	90
Enforce payment of penalties and forfeitures	1797m—102—3	90
Audit, Of accounts of utility.....	1797m—14—1	60
Audits, Regulations as to adopted by commission....	1797m—36	66
Authority of Agents of Commission, To be pro-		
duced	1797m—38—2	67
Authority of Commission as to Stocks and Bonds..	1753—9—22	43-50
B.		
Balance Sheet, To be filed prior to August 1.....	1797m—13	60
Blanks		
Correctly filled and verified.....	1797m—42—2	68
Prepared and furnished by commission.....	1797m—10	59
Books, Accounts, of Utility		
Closed June 30th.....	1797m—13	60
Inspection of by agents of commission.....	1797m—14—2	60
Kept in office of utility.....	1797m—12	60
Not to be removed from state.....	1797m—12	60
Books, etc. of appropriator, of water power subject		
to inspection	1596—67	37
Bonds, see Stocks and Bonds of public service corporations		
Municipal bond issues for electric plants legalized 927—19a		7
Of cities of fourth class for purchase of utility		
legalized	943t	8
Burden of Proof, On adverse party.....	1797m—70	76
Business Connected with Utility, Law may apply to 1797m—8—2		59
C.		
Capital Stock, Fictitious increase of void.....	1753	40
Certified Copies of Order		
Furnished on application.....	1797m—73	77
Prima facie evidence.....	1797m—73	77
Signed by one commissioner or secretary.....	1797m—109	92
Certified Transcript of Record Filed on Appeal.....	1797m—57	72
Changes in Rates, Tolls, Charges.....	1797m—31	65
Charges Must be		
Reasonable and adequate.....	1797m—3	56
Uniform and per printed schedule.....	1797m—89	84
Circuit Court or Judge, Petition on condemnation		
proceedings by public utility to.....	1778a—1	54
Cities of the Fourth Class		
Bonds of, for purchase of utility legalized.....	943t	8
May purchase motive power and machinery for		
utility	926—126	6

	Section	Page
Classification of Service, Made by commission.....	1797m—35	66
Clerks, Assistants, May be employed by commission	1797m—40	67
Commission		
Action against or appeal taken within 90 days..	1797m—65	75
Counsel may be employed by.....	1797m—102—4	90
Definition of	1797m—1—6	56
Determine damages on condemnation by utility, proceedings	1778d	53
Enforce laws relating to utilities.....	1797m—102—1	90
Investigation made on own motion.....	1797m—49	70
Order of, may be changed on hearing.....	1797m—62	74
Record kept of proceedings of.....	1797m—56	72
Records of, may be withheld 90 days.....	1797m—21	63
Records of, public.....	1797m—20	62
Report violation of law to attorney-general..	1797m—102—1	90
Technical omission by, not invalidating.....	1797m—103	90
Authority granted to as to stocks and bonds.....	1753—10	46
Competition of Telephone Utilities.....	1797m—74	77
Complaint		
Against utility, how made.....	1797m—43	68
Investigation of, and hearing on by commission	1797m—43	68
May be made by utility.....	1797m—52	71
Not dismissed for absence of direct damage....	1797m—48	70
Notice to utility on.....	1797m—44	69
On appeal, to be served on commission.....	1797m—64—1	74
Concessions, Soliciting of forbidden.....	1797m—92	86
Condemnation of Utility by Municipality.....	1797m—79—3	80
Condemnation Proceedings by Public Utility.....	1778a—1	52
Contents of petition.....	1778a—2	53
Petition to circuit court or judge.....	1778a—1	52
Conduits, Joint use of.....	1797m—4—1	57
Conflicting Laws Repealed.....	1797m—108	92
Consolidation, Stocks and bonds not to exceed value found by Commission.....	1753—11—2	47
Construction Accounts, Regulated by commission....	1797m—16	61
Construction of Utility by Municipality, When exist- ing without indeterminate permit.....	1797m—74—1	77
Construction of Water Mains.....	925—106	3
Contempt Proceedings Instituted by Commission	1797m—53—2	71
Contracts		
Inventories, maps, etc., to be delivered to com- mission on request.....	1797m—42—3	68
Of utility waived on surrender of franchise....	1797m—77	79
Prior to April 1, 1907, not discriminatory.....	1797m—91	86
Corporations may provide for preferred stock.....	1753—20	49
Cost of Investigation Paid by Utility, When.....	1797m—47	69
	1797m—60—3	73
Counsel, May be employed by commission.....	1797m—102—4	90

D.

Damages

Against public utility, general.....	1778—4	51
Direct, complaint not dismissed for absence of..	1797m—48	70
Condemnation by utility, commission to determine	1778—d	53
Mental anguish	1778—5	52
Treble, to be recovered.....	1797m—93	87
Treble, for injuries to property by public utility...	1778—6	52

	Section	Page
Dams, <i>see</i> Water Powers		
Depositions		
May be taken	1797m—55	72
May be taken by agent of commission	1797m—41—2	67
Depreciation Account, Public utility	1797m—15	60
Direct Damages, Complaint not dismissed for absence of	1797m—48	70
Discrimination, Unjust, Definition of	1797m—89	85
Distribution of Surplus Profits, To consumers and employees	1797m—17—1	61
District Attorney, To assist in investigations and prosecute actions	1797m—102—2	90
Dividends		
From proceeds of sale of stock, bonds or scrip forbidden	1753—14	48
Of stock, bonds or scrip forbidden	1753—14	48

E.

Election on Acquiring or Constructing Utility by Municipality	927—14—15—16	5
Electric Company, <i>see</i> Lighting Company		
Electric Lighting Company to Obtain Franchise from City	1778—7	52
Electric Plants		
Municipal bond issues for electric plants legalized	927—19a	7
Emergency Changes in Rates, Tolls, Charges	1797m—31	65
Emergency Orders	1797m—99—1	89
Eminent Domain as to Public Utility	1778a—1	54
Engineers, Experts, Help, May be employed by commission	1797m—40	67
Equipments, Joint use of	1797m—4—1	57
Evidence		
New evidence upon trial	1596—16	18
Rules of evidence	1596—19	19
Examination of Officers under Oath	1797m—38—1	66
Exclusive Franchise, Amended	1797m—74—2	78
Expense of Investigation Paid by Utility, When	1797m—47	69
.....	1797m—60—3	73
Expenses of Agents and Employees of Commission ..	1797m—106	91
Experts may be Employed by Commission	1797m—40	67
Extensions and Additions		
May be ordered by municipal council	1797m—87—2	84
Regulated by commission	1797m—16	61

F.

Facilities, Furnishing of to utility not ground for discrimination	1797m—90	85
Fees, Witness		
On subpoena of commission	1797m—54—1	71
On subpoena of other party paid when evidence material	1797m—54—2	71
Fictitious Increase of Capital Stock, Void	1753	46
Forfeitures		
Cumulative	1797m—104	90
General, Stock and Bond Law	1753—17	48
Manner collected	1797m—102—3	90

	Section	Page
Forms, Accounts, Records, Prescribed by commission..	1797m—9	59
Franchise		
Exclusive, existing amended.....	1797m—74—2	78
From city to be obtained by heating or electric light company	1778—7	52
Granted in future to be indeterminate.....	1797m—76	79
Granted or transferred only to Wisconsin corpora- tions	1797m—75	78
Indeterminate, acceptance of assent to future pur- chase by municipality.....	1797m—78	80
Indeterminate, granted on surrender of old.....	1797m—77	79
Franchises for Water Power Rights, <i>see</i> Water Power		
Free Service		
Forbidden to office-holder or candidate.....	1797m—88—1	84
Solicitation or acceptance of by office-holder or candidate	1797m—88—2	84

G.

Gas Company, *see* Lighting Company

H.

Hearings of Commission		
After investigation by commission.....	1797m—50	70
Notice of	1797m—45	69
On application for certificate of public convenience and necessity	1797m—74—1	77
On application to increase rates.....	1797m—105—4	91
On fixing of valuation of utility for purchase by municipality	1797m—82	82
On purchase of utility by municipality.....	1797m—79—2	80
On valuation of utility.....	1797m—6—1	88
Process to enforce attendance of witness at....	1797m—45	69
Public	1797m—36	66
Rules for, adopted by commission.....	1797m—36	66
Separate, may be ordered on single complaint...	1797m—48	70
Heating Company		
Obtain franchise from city.....	1778—7	52
Public utility	1797m—1—1	55
Public service corporation.....	1753—1	41
Highways		
Not to be obstructed by public utility.....	1778—2	51
Used by public utility.....	1778—1	51
Hours of labor of women.....	1728—1	39

I.

Increased Rates		
Only on order of commission.....	1797m—105—1	91
Procedure on application for.....	1797m—105—3	91
Incriminating Testimony, No excuse.....	1797m—72	77
Indeterminate Permit		
Acceptance of assent to future purchase by municipality	1797m—78	80
Definition of	1797m—1—5	56
For telephone utilities.....	1797m—77	78
Granted on surrender of old franchise.....	1797m—77	79
Granted only to Wisconsin corporation.....	1797m—75	78
Granted when existing utility is without.....	1797m—74—4	78
Only granted in future.....	1797m—76	79
Validated	1797m—74	77

	Section	Page
Information Furnished Commission by Utility.....	1797m—37	66
	1797m—42—1	68
Injunction, Staying Order of commission.....	1596—15—4	18
Injunction, When shall issue.....	1797m—66	75
Injuries to Property by Public Utility.....	1778—6	52
Inspection		
Of accounts, records by commission or agent		
of	1797m—38—1	66
Of books, accounts, by agents of commission..	1797m—14—2	60
Regulations for, adopted by commission.....	1797m—36	66
Instruments, Purchase of by commission.....	1797m—25	64
Interchange of Service Between Telephone Utilities..	1797m—4	57
Inventories of Utility, To be delivered on request	1797m—42—3	68
Investigation of Utility		
As to neglect, etc.....	1797m—102—1	90
Expenses of paid by utility, when.....	1797m—47	69
	1797m—60—3	73
May be conducted contemporaneously.....	1797m—41—3	67
May be made on motion of commission.....	1797m—49	70
Rules for, adopted by commission.....	1797m—36	66

J.

Joint Rates		
Commission may establish joint telephone rates..	1797m—30	65
Schedule of, filed with commission.....	1797m—30	65
Schedule of, filed in office of utility.....	1797m—30	65
Telephone rates	1797m—30	65
Joint Use of Equipment.....	1797m—4—1	57
Joint Use of Equipment, Order of commission on..	1797m—4—2	57

L.

Lighting Company, Public utility.....	1797m—1—1	55
Public service corporation.....	1753—1	41

M.

Management of Utility, Commission may investigate	1797m—37	66
Maps, Contracts, Inventories, To be delivered on re-		
quest	1797m—42—3	68
Measurement, Standard of fixed by commission..	1797m—23—1	63
Mental Anguish Damages.....	1778—5	52
Meters		
Furnished by utility.....	1797m—90	85
Orders of commission as to.....	1797m—23—2	63
Regulations as to, prescribed by commission..	1797m—23—2	63
Mortgage Certificates on Acquiring or Constructing		
Utility by Municipality.....	927—17—18	5-6
Motive Power for Utility, Cities of fourth class may		
purchase	926—126	4
Municipal Acquisition of Public Utility.....	1797m—80	81
Appeal from compensation determined by Com-		
mission	1797m—83	82
Compensation to be determined by Commission..	1797m—82	82
Notice	1797m—82	82

	Section	Page
Municipal Bond Issues for Electric Plant Legalized....	927—19a	7
Municipal Council		
Authority granted to	1797m—87—4	84
Definition of	1797m—1—2	56
May determine character of product and service	1797m—87—1	83
May order extensions and additions.....	1797m—87—2	84
Municipal Council to Pass Ordinance for Constructing or Acquiring Utility.....	927—11	4
Municipal Plant, A public utility.....	1797m—1—1	55
Municipality		
Canvass and ballot on election for municipality acquiring or constructing utility.....	927—15—16	5
Definition of	1797m—1—3	56
May acquire or construct utility.....	927—11	4
May acquire water power improvements.....	1596—42	28
May borrow money for utility.....	926—127	4
May condemn utility.....	1797m—79—3	80
May construct utility	1797m—79—1	80
May construct utility when existing without indeterminate permit	1797m—74—4	78
May fix water and electric rates for municipal plants	925—98	3
May purchase incidental property.....	1797m—79—4	80
May purchase utility.....	1797m—79—2	80
Mortgage certificates for municipality acquiring or constructing utility.....	927—17—18	5-6
Notice of election in municipality acquiring or constructing utility	927—14	5
Popular vote for acquiring or constructing utility by municipality	927—13	5
Question of necessity of purchase of utility submitted to jury	1797m—80	81
To give commission notice of intention to purchase utility	1797m—81	8
To obtain certificate of public convenience and necessity, when	1797m—74—3	78
To purchase utility on terms and conditions fixed by com.	1797m—76	79
Trust deed of municipality acquiring or constructing utility	927—19	6

N.

Navigable Waters, Use of navigable waters for power a public use.....	1596—1	11
Notice		
Of death by accident.....	1797m—101	89
Of hearing	1797m—45	69
Of hearing on motion of commission.....	1797m—51	70
Of intention to purchase utility by municipality..	1797m—81	81
Signed by one commissioner or secretary.....	1797m—109	92
To utility of complaint.....	1797m—44	69
To utility of hearing on valuation.....	1797m—6—1	58

O.

Oaths may be Administered by Commission or Agents of	1797m—53—1	71
Office of Utility to be Located in State.....	1797m—12	60

	Section	Page
Officer of Utility, Not eligible to city office.....	976s	9
Official Acts May be Certified by Commission or Agent of	1797m—53—1	71
Orders of Commission		
After hearing and investigation.....	1797m—100	89
Amended, substituted in appeal.....	1797m—68—1	76
Certified copies of, furnished on application.....	1797m—73	77
Certified copies of, prima facie evidence.....	1797m—73	77
Changed on notice and hearing.....	1797m—62	74
Decided unlawful, as affecting valuation, changed by com.	1797m—86—2	83
Decided unlawful, as affecting valuation, reconsid- ered by commission.....	1797m—86—1	83
Emergency, in force when prescribed.....	1797m—99—2	89
Failure to comply with, separate offense each day	1797m—98	88
Fixing reasonable measurements, regulations, serv- ice	1797m—60—2	73
Fixing reasonable rates	1797m—46—1	69
	1797m—60—1	73
Fixing valuation of utility on purchase by munici- pality	1797m—82	82
In effect when prescribed.....	1797m—61	74
Modified in case of new evidence on appeal..	1797m—67—2	76
On appeal from order of municipal council as to product or service	1797m—87—1	83
On application to increase rates.....	1797m—105—4	91
On hearing on motion of commission.....	1797m—51	70
On joint use of equipment.....	1797m—4—2	57
On meters	1797m—23—2	63
On profit sharing and sliding scales.....	1797m—17—2	61
On regulation, measurements, service.....	1797m—46—2	69
On valuation, decided unlawful, referred to com- mission	1797m—85	83
On valuation, not proved unreasonable will stand	1797m—84	83
On valuation of utility filed with municipal clerk	1797m—6—2	58
Prima facie reasonable	1797m—63	74
Rescinded, appeal dismissed.....	1797m—68—1	76
Served on utility.....	1797m—60—4, 61, 62	74
Temporary, in emergency.....	1797m—99—1	89
When issue of stock or bonds is wholly or partly for property or services.....	1753—9—6	45
When operative	1797m—4—60—4	74
When stock or bond issue is for money only....	1753—9—3	44
Ordinance		
Constructing or acquiring utility.....	927—11	4
Contents of	927—12—13	4—5
Owner Adjoining May Remove Abandoned Poles, Wires, etc.	1778—3	51

P.

Penalty		
As to uniform charges and as per printed sched- ule	1797m—89	85
Books, accounts of utility kept without state	1797m—39—2	67
Construction or maintenance of dam contrary to law..	1796	10
Cumulative	1797m—104	90

	Section	Page
Penalty—Continued		
Destruction or injury to apparatus or appliances of com.	1797m—97	88
Exercising powers and privileges after repeal of franchise granting water power rights.....	1596—26	22
Failure to comply with order, separate offense each day	1797—98	49
False statement or fraud, Stock and Bond Law....	1753—18	49
Free service to office-holder or candidate.....	1797m—88—2	84
General	1797m—95	87
General, Stock and Bond Law.....	1753—17	48
Manner collected	1797m—102—3	90
Neglect or refusal by municipal officer.....	1797m—96	88
Non-compliance with municipal council order	1797m—87—3	84
Refusal to answer, fill blanks, keep proper accounts, etc.	1797m—94	87
Soliciting rebates or concessions.....	1797m—92	86
Stringing wires on right of way of railroads....	1778a—2	19
Permit, Indeterminate, Definition of.....	1797m—1—5	56
Petition in Condemnation Proceedings by Utility, Contents of	1778a—2	53
To circuit court or judge.....	1778a—1	52
Physical Connection Between Telephone Lines.....	1797m—4	57
Poles, Joint use of.....	1797m—4—1	57
Popular Vote on Constructing or Acquiring Utility by Municipality	927—13	5
Power Company, A public utility.....	1797m—1—1	55
Power Company, Public service corporation.....	1753—1	41
Power Plant, Retained in division of town.....	959—70m	8
Preference by Utility, Forbidden.....	1797m—91	86
Preferred Stock		
Corporations may provide for.....	1753—20—1	49
Provisions as to.....	1753—20—2	50
Procedure		
In court actions.....	1797m—71	76
Of commissioners to determine damages on condemnation by utility.....	1778d	53
On application to increase rates.....	1797m—105	91
On action to vacate order or valuation, Stock and Bond Law	1753—16	48
On hearing on motion of commission.....	1797m—51	70
On purchase of utility by municipality.....	1797m—80	81
Rules and regulations of, adopted by commission	1797m—36	66
Proceedings of Commission, Record of to be kept....	1797m—56	72
Process		
Fees for service of.....	1797m—71	76
Manner of service of.....	1797m—71	76
To enforce attendance of witnesses at hearings..	1797m—45	69
Product, Commercial, Units of prescribed by commission	1797m—22	63
Profit Sharing with Consumers and Employees....	1797m—17—1	61
Public Service Corporation, Definition of.....	1753—1	41
Public Utility		
Definition of	1797m—1—1	55
May use highways.....	1778—1	51
Not to obstruct highways	1778—2	51
Supervision of, by commission.....	1797m—2	56
To remove abandoned poles, wires, etc.....	1778—3	51

	Section	Page
Public Convenience and Necessity		
Declaration of, to be obtained from commission,		
when	1797m-74-1	77
Municipality to obtain certificates of, when..	1797m-74-3	78
Public Utility		
Appeal from compensation determined by commis-		
sion in case of municipal acquisition.....	1797m-83	82
Compensation to be determined by commission		
in case of municipal acquisition.....	1797m-82	82
Municipal acquisition of	1797m-80	81
Notice in case of municipal acquisition.....	1797m-82	82
Publication of Ordinance for Constructing or Acquir-		
ing Utility by Municipality.....	927-11	4
Purchase of Incidental Property by Municipality..	1797m-79-4	80
Purchase of Utility by Municipality.....	1797m-79-2	80
On terms and conditions fixed by commission....	1797m-76	79
Questions of necessity to be submitted to jury..	1797m-80	81
R.		
Railroad Right of Way, Stringing Wires Over.....	1778a-1	54
Rates, Tolls, Charges of Utility		
Changes in	1797m-31	65
Changed by commission on notice.....	1797m-62	74
Charged as in printed schedule.....	1797m-33	65
Depreciation account	1797m-15	60
Emergency, changes in	1797m-31	65
Form of schedule of, may be changed by commis-		
sion	1797m-34	66
Increased only on order of commission.....	1797m-105-1	91
Investigated, not to be changed without approval		
of commission	1797m-61	74
Joint schedule of, filed in offices of utility.....	1797m-30	65
Joint schedule of, filed with commission.....	1797m-30	65
Municipality may fix for city plant.....	925-98	3
New to be filed in office of utility.....	1797m-32	65
Order on, prima facie reasonable.....	1797m-63	74
Profit sharing and sliding scales.....	1797m-17-2	61
Reasonable, to be fixed by commission.....	1797m-46-1	69
Schedule of, filed in office of utility.....	1797m-29	64
Schedule of, filed with commission.....	1797m-27	64
Uniform and per printed schedule.....	1797m-89	85
Unjust, unreasonable preferential to be changed	1797m-60-1	73
Unreasonable to be changed.....	1797m-100	89
Unreasonable, utility to pay expense of investiga-		
tion	1797m-47	69
	1797m-60-3	73
Records		
Of commission, may be withheld 90 days.....	1797m-21	63
Of commission, public	1797m-20	62
To be kept of proceedings of commission.....	1797m-56	72
Records, Forms, Accounts		
None except prescribed by commission.....	1797m-11	59
Prescribed by commission	1797m-9	59
Rebates, Soliciting of forbidden.....	1797m-92	86
Regulation of Utility by Commission.....	1797m-2	56

	Section	Page
Regulations		
Found unreasonable, utility to pay expense investigation	1797m-47	69
Measurements, service if unreasonable or insufficient to be changed.....	1797m-60-2	73
Measurements, service may be changed by commission	1797m-46-2	69
Unreasonable to be changed.....	1797m-100	89
Re-hearing on Valuation Decided Unlawful.....	1797m-86-1	83
Repeal of Conflicting Laws.....	1797m-108	92
Reports, Annual and Other, by Commission.....	1797m-19-1	62
Reports of Utility		
Accident, loss of life.....	1797m-101	89
Accounts per unit.....	1797m-18	62
Balance sheet for fiscal year.....	1797m-13	60
Correctly filled and verified.....	1797m-42-2	68
Penalty for failure to file or answer.....	1797m-94	87
Statistical reports to commission.....	1797m-8-1	59
To be published	1797m-19-1	62
Revaluation of Property of Utility.....	1797m-7	59
Right of Action by State or Person Not Waived by this Act	1797m-104	90
Right of Way of Railroads, Stringing Wires Over.....	1778a-1	54
Rules and Regulations of Utility, To be filed with commission	1797m-28	64
Rules of Evidence and Practice in Court Actions.....	1797m-71	76
Rules of Procedure.....	1797m-36	66

S.

Salaries of Agents and Employes of Commission....	1797m-106	91
Schedule of Rates, Tolls, Charges		
Changed by utility as ordered.....	1797m-61	74
Filed in office of utility.....	1797m-29	64
Filed with commission.....	1797m-27	64
Filed with commission within 30 days.....	1797m-105-2	91
Form of, may be changed by commission.....	1797m-34	66
Investigated, not to be changed without approval of commission	1797m-61	74
Of April 1, 1907, increased only by order of commission	1797m-105-1	91
Order on, prima facie reasonable	1797m-63	74
Separate Hearings, May be ordered on single complaint	1797m-48	70
Service of Utility		
Classification of by commission.....	1797m-35	66
Commercial units of, prescribed by commission..	1797m-22	63
Definition of	1797m-1-4	56
Found unreasonable, utility to pay expense of investigation	1797m-47	69
Must be reasonable and adequate.....	1797m-3	56
Or product, determined by municipal council	1797m-87-1	83
Sliding Scale to Consumers and Employes.....	1797m-17-1	61
Solicitation or Acceptance of Free Service by Officeholder or Candidate, Forbidden.....	1797m-88-2	84
Solicitation of Rebates or Concessions, Forbidden....	1797m-92	86
Standards of Measurements, Fixed by commission	1797m-23-1	63
Stay of Proceedings on Appeal.....	1797m-67-1	75
	1596-16	18

	Section	Page
Stenographic Record of Testimony.....	1797m—56	72
Stocks and Bonds of Public Service Corporations		
Amortization of bonds, notes, and other evidences of indebtedness not properly chargeable to capital account	1753—5	42
Appraisal of franchises under Stock and Bond Law	1753—13	47
Authority for issue of to be obtained from com- mission	1753—9	43
Bond, stock or scrip dividend prohibited.....	1753—14	48
Bonds to bear reasonable proportion to stock.....	1753—8	43
Capital account	1753—1	41
Defined	1753—1	41
Consideration for stocks and bonds.....	1753—7	42
Control of liens vested in the state.....	1753—2	41
Corporation to record certificates of commission before issue	1753—12	47
Disposition from proceeds from stocks, bonds, etc. commission may require account for.....	1753—13	47
Fee to be paid for certificate authorizing issue of bonds	1753—21	50
Fictitious increase of void.....	1753	40
Franchises, appraisal under Stock and Bond Law	1753—15	48
Issue, authority to be obtained from commission...	1753—9	43
Issue, contrary to act void.....	1753—7	42
Issue not to exceed amount reasonably necessary....	1753—4	41
Issue of void, when.....	1753—19	49
Issues for money only.....	1753—9—1	43
Amount and character of proposed issue....	1753—9—1	43
Application of proceeds.....	1753—9—3	44
Authority for issue from commission.....	1753—9—1	43
Commission's certificate	1753—9—3	44
Corporation's statement filed with commis- sion	1753—9—1	43
Investigation by commission.....	1753—9—2	44
Issues to be for purposes designated in com- mission's certificate	1753—9—3	44
Proceedings	1753—9—1	43
Purposes of issue.....	1753—9—1	43
Statement as to assets and liabilities, etc....	1753—9—1	43
Terms of issue.....	1753—9—1	43
Valuation of property may be made by com- mission	1753—9—2	41
Issues for other than money.....	1753—9—4	44
Amount and character of proposed issue....	1753—9—4	44
Amount of money if any to be received in addition to property services, etc.....	1753—9—4	44
Application of proceeds.....	1753—9—7	45
Certificate of authority issued by commission, when	1753—9—6	45
Corporation's statement filed with commis- sion	1753—9—4	45
Description and estimated value of property or services for which securities are to be issued	1753—9—4	44
Hearings by commission.....	1753—9—5	45
Investigation by commission.....	1753—9—5	45
Issues to be for purposes designated in com- mission's certificate	1753—9—6	45

	Section	Page
Stocks and Bonds of Public Service Corporations—Continued		
Issues for other than money—Continued		
Previous financial operations and business of corporation	1753—9—4	44
Purposes of issue	1753—9—4	44
Terms of issue	1753—9—4	44
Total assets and liabilities, statement of	1753—9—4	44
True value of property, etc. to be taken	1753—9—7	45
Valuation by commission	1753—9—5	45
Issues in case of consolidation	1753—11—2	47
Commission's certificate of authority for is-		
sue	1753—11—2	47
Commission's valuation first required	1753—11—2	47
Issue not to exceed valuation	1753—11—2	47
Issues in case of reorganization	1753—11—1	46
Commission's certificate of authority for is-		
sue	1753—11—1	46
Commission's valuation first required	1753—11—1	46
Issue not to exceed valuation	1753—11—1	46
Law to apply to all stocks, bonds, etc. not actually		
issued or delivered	1753—19	49
Liens, control of, vested in state	1753—2	41
Mortgage of bonds, notes, etc.	1753—10	46
Net income	1753—1	41
Defined	1753—1	41
Not to issue before certificate of commission is		
recorded on books of corporation	1753—12	47
Preferred stock	1753—20—1	49
Preferred stock, not to be changed except by		
amendment to articles	1753—20—2	50
Preferred stock privileges to be printed on cer-		
tificate	1753—20—2	50
Proceeds from fees on issue of bonds to be paid		
into common school fund income	1753—21	50
Proceeds of sale of, to be used as directed by		
commission	1753—9—3	44
Public service corporations included under Stock		
and Bond Law	1753—1	41
Express corporations	1753—1	41
Freight line corporations	1753—1	41
Heat corporations	1753—1	41
Light corporations	1753—1	41
Power corporations	1753—1	41
Railroads	1753—1	41
Sleeping car corporations	1753—1	41
Street railways	1753—1	41
Telegraph corporations	1753—1	41
Telephone corporations	1753—1	41
Water corporations	1753—1	41
Purposes for which stocks, bonds, etc. may be is-		
issued	1753—5	42
Acquisition of property	1753—5	42
Construction, completion, extension or im-		
provement of distribution system	1753—5	42
Construction, completion, extension or im-		
provement of facilities	1753—5	42
Construction, completion, extension or im-		
provement of its plant	1753—5	42
Construction of property	1753—5	42

	Section	Page
Stocks and Bonds of Public Service Corporations—Continued		
Purposes for which stocks, bonds, etc., may be issued—Continued		
Discharge or refunding of its legal obligations	1753—5	42
Financing of property.....	1753—5	42
Improvement of its service.....	1753—5	42
In case of railroad corporation for purposes stated in sec. 1826 and subs. 10 of sec. 1828	1753—5	42
Issue must be properly chargeable to capital account	1753—5	42
Organization expenses	1753—5	42
Purposes for which stock, bonds, etc. may not be issued	1753—6	42
May not be issued for refunding, retiring, etc., any evidences of indebtedness payable at less than one year, and issued for purposes not properly chargeable to capital account	1753—6	42
Sale of, not to be less favorable than ordered by commission	1753—9—7	45
Scrip dividend prohibited.....	1753—14	48
Securities payable in more than one year subject to Stock and Bond Law.....	1753—3	41
State control of liens	1753—2	41
Stock dividend prohibited.....	1753—14	48
Stock not to bear interest.....	1753—20—2	50
Valuation of commission, appeal from.....	1753—16	48
Valuation of commission required before consolidation	1753—11—2	47
Subpoenas Issued by Commission or Agents.....	1797m—53—1	71
Substantial Compliance by Commission all Necessary	1797m—103	90
Surplus Profits, Distribution of.....	1797m—17—1	61
Stockholder of Utility Ineligible to City Office.....	976s	9

T.

Technical Omission on Part of Commission not Invalidating		
Telephone Company, A public utility.....	1797m—1—1	55
Telephone lines, physical connection between.....	1797m—4	57
Telephone Station, Furnished by utility.....	1797m—90	85
Telephone Utilities		
Competition between	1797m—74	77
Indeterminate permit	1797m—77	79
Joint rates between.....	1797m—30	65
Temporary Orders in Emergency.....	1797m—99—1	89
Testimony, Stenographic record of.....	1797m—56	72
Testing		
Appliances to be purchased by commission.....	1797m—25	64
Commission to prescribe regulations for.....	1797m—23—1	63
Of appliances, commission shall provide for..	1797m—24—1	63
Tests		
Commission or agent may enter premises of utility to make	1797m—26	64
Fees for	1797m—24—3	63
Made at request of consumer.....	1797m—24—2	63
Rules and regulations as to, adopted by commission	1797m—36	66

	Section	Page
Town to Retain Power Plant, On division.....	959—70m	8
Transcript		
Furnished to interested party without fee.....	1797m—59	72
Of record filed on appeal.....	1797m—57	72
To be received in evidence.....	1797m—58	72
Trebel Damages for Injury to Property by Public		
Utility	1778—6	52
Trust Deed, On acquiring or constructing utility by		
municipality	927—19	6

U.

Uniform Accounts of Utility.....	1797m—8—1	59
Uniform Charges and Per Printed Schedule.....	1797m—89	85
Unit, Accounts, Report per.....	1797m—18	62
Units of Product or Service Prescribed by Commis-		
sion	1797m—22	63
Utility		
Accounts of to be uniform.....	1797m—8—1	59
Accounts, records of, kept outside of state to be		
produced	1797—39—1	67
Answers, specific, to be given by.....	1797m—42—1	68
Business connected with, law may apply to....	1797m—8—2	59
Canvass and ballot on election in municipality		
acquiring or constructing.....	927—15—16	5
Charges and service must be reasonable and just	1797m—3	56
Complaint against, how made.....	1797m—43	68
Complaint may be made by.....	1797m—52	71
Condemnation of by municipality.....	1797m—79—3	80
Conform to order of commission.....	1797m—61	74
Contracts of, prior to April 1, 1907, not discrim-		
inatory	1797m—91	86
Depreciation account	1797m—15	60
Equipments, joint use of.....	1797m—4—1	57
Examination of officers under oath.....	1797m—38—1	66
Facilities furnished to, not ground for discrimina-		
tion	1797m—90	85
Free service or privileges to office-holders or can-		
didates, forbidden	1797m—88—1	84
Hearing on valuation of.....	1797m—6—1	58
Information to be furnished by.....	1797m—42—1	68
Information to be furnished to commission.....	1797m—37	66
Management of may be investigated by commis-		
sion	1797m—37	66
May be constructed or acquired by municipality..	927—11	4
Mortgage certificate for municipality constructing		
or acquiring	927—17—18	5—6
Municipality may construct.....	1797m—79—1	80
Municipality may purchase.....	1797m—79—2	80
Neglect by, to be investigated by commission	1797m—102—1	90
Notice of election in municipality constructing or		
acquiring	927—14	5
Office of, to be located in state.....	1797m—12	60
Popular vote on acquiring or constructing by mu-		
nicipality	927—13	5
Preference or prejudice by, forbidden.....	1797m—91	86

	Section	Page
Utility—Continued		
Rules and regulations of, filed with commission	1797m—28	64
Trust deed of municipality acquiring or construct-		
ing	927—19	6
Valuation of, by commission.....	1797m—5	58

V. . .

Valuation of Utility

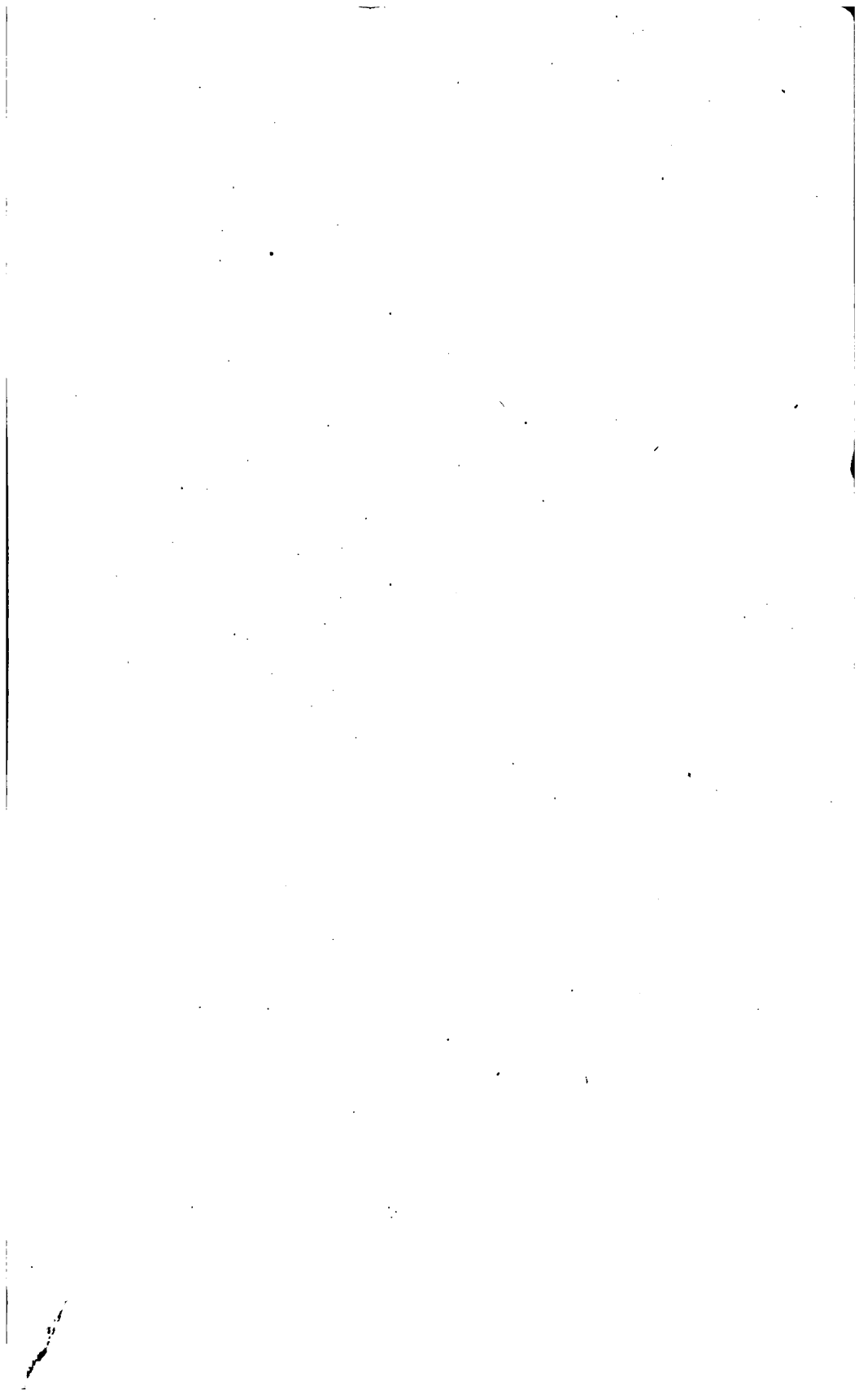
By commission	1797m—5	58
By commission on purchase by municipality....	1797m—82	82
Decided unlawful, changed by commission....	1797m—86—2	83
Decided unlawful, reconsidered by commission	1797m—86—1	83
Hearing on	1797m—6—1	58
On purchase, not proved unreasonable, to stand	1797m—84	83
Order on, filed with municipal clerk.....	1797m—6—2	58
Published in report.....	1797m—19—2	62
Unlawful, referred back to commission.....	1797m—85	83

W.

Water Company, A public utility.....	1797m—1—1	55
Water Mains, Construction of.....	925—106	3
Water Company, A public service corporation.....	1753—1	41
Water Powers		
Act relating to water powers applies to waters be-		
tween states	1596—45	29
Act relating to water powers not applicable to		
water reservoir companies.....	1596—70	37
Body of water in existence 20 years, public.....	1596—73	38
Bridges over navigable waters.....	1596	10
Commission to regulate rates and service....	1596—52—60	32-34
Condemnation by appropriator of.....	1596—46	29
Control retained by state.....	1596—4	11
Dams		
Alterations and additions to be authorized by		
Commission	1596—34	24
Constructed or maintained contrary to act,		
public nuisances	1596	10
	1596a	11
Construction, method of.....	1596—48	30
Improvements, maintenance of.....	1596—49	31
Maps, profiles, plans and specifications filing		
and approval	1596—20—21	19
Operation, order authorizing.....	1596—22	19
Penalty for construction or maintenance con-		
trary to law.....	1796	10
Railroad commission to report valuation of		
laws to governor.....	1596	11
Time of operation.....	1596—44	28
Development of power.....	1596—61—65	34-36
Discrimination, Electrical energy from water		
power, sold to public without discrimination..	1596—51	31
Federal rights	1596	10
Franchises		
Accepted under terms of act.....	1596—33	24
Appeal from order relating to franchise..	1596—15—19	17-19

	Section	Page
Water Power—Continued		
Franchises—Continued		
Applicants written acceptance to be filed....	1596—29	23
Application for	1596—8	13
Appropriator may condemn improvements....	1596—28	23
Assignment of franchise.....	1596—32	24
Commission may change terms of existing franchises	1604m	39
Conduct of hearing on application for franchise	1596—10	15
Existing franchises repealed.....	1596—23	20
Fees	1596—36	25
Fees, failure to pay license fee.....	1596—37	26
Forfeiture of franchises.....	1596—37	26
Forfeiture of franchises for failure to comply with act	1596—71	38
Franchise fee not a tax.....	1596—74	38
Franchise fee, preferred lien.....	1596—38	27
Franchise value, how fixed.....	1596—36	25
Improvement to be completed within 3 years..	1596—43	28
Investigation of application for franchise....	1596—9	14
Issued for specified purposes.....	1596—35	25
New franchises	1596—24—27	20—22
Order granting franchise.....	1596—12	15
Order refusing franchise.....	1596—13	16
Order relating to franchise prima facie lawful	1596—14	17
Penalty for exercising powers and privileges after repeal of franchise.....	1596—26	22
Procedure at hearing on application for franchise	1596—11	15
Purposes	1596—6	13
Rights	1596—6	13
Term of franchises.....	1596—30—31	23—24
To be obtained from state.....	1596a	11
Value of franchise.....	1596—12	15
Value of franchise, how fixed.....	1596—36	25
Witnesses at hearing on application for franchise	1596—11	15
Horse power, amount supplied from water power		
Daily records of.....	1596—39	27
Reports, quarterly	1596—39	27
Information and reports by appropriator.....	1596—66	36
Measuring instruments and devices.....	1596—40	27
Municipality may acquire improvements		
Compensation	1596—42	28
Procedure	1596—42	28
Navigable waters	1596	10
Power held by state in trust for all the people....	1596—3	11
Power subject to state control.....	1596—2	11
Rates, commission' to regulate.....	1596—52—60	32—34
Rights of United States.....	1596	10
Service, commission to regulate.....	1596—52—60	32—34
State may acquire at end of periods.....	1596—41	27
Supervision of by commission.....	1596—47—1	29
Tolls	1596—69	37
Trusts or conspiracies in restraint of trade, forfeiture of franchises for water power.....		
	1596—50	31
Use of navigable waters for power a public use....	1596—1	11
Use of power authorized.....	1596—7	13
Validity of act relating to water power.....	1596—72	38
Water level, regulation of.....	1596—47—2	30

	Section	Page
Water Reservoir Companies, Water Power Law not applicable to	1596—70	37
Wires, Over Right of Way of Railroad.....	1778a—1	52
Witness		
Fees on subpoena of commission.....	1797m—54—1	71
Fees on subpoena of other party, paid when evidence material	1797m—54—2	72
Process to enforce attendance of at hearing....	1797m—45	69
Subpoena issued by commission or agent of..	1797m—53—1	71
Women, Hours of Labor.....	1728—1	39



89092827138



b89092827138a

89092827138



B89092827138A